

**TIMUCUAN ECOLOGICAL AND HISTORIC PRESERVE; MARTIN  
LUTHER KING LAND EXCHANGE; ESTABLISH LEWIS AND  
CLARK NATIONAL HISTORICAL PARK; AND SAND CREEK  
MASSACRE HISTORIC SITE**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON NATIONAL PARKS  
OF THE  
COMMITTEE ON  
ENERGY AND NATURAL RESOURCES  
UNITED STATES SENATE  
ONE HUNDRED EIGHTH CONGRESS  
SECOND SESSION

ON

**S. 1672**

**S. 1789**

**S. 2167**

**S. 2173**

**H.R. 1616**

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MAY 20, 2004



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**TIMUCUAN ECOLOGICAL AND HISTORIC  
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EXCHANGE; ESTABLISH LEWIS AND CLARK  
NATIONAL HISTORICAL PARK; AND SAND  
CREEK MASSACRE HISTORIC SITE**

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**THURSDAY, MAY 20, 2004**

U.S. SENATE,  
SUBCOMMITTEE ON NATIONAL PARKS,  
COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:32 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Craig Thomas presiding.

**OPENING STATEMENT OF HON. CRAIG THOMAS,  
U.S. SENATOR FROM WYOMING**

Senator THOMAS. The committee will come to order.

Welcome. Thank you for being here. I want to welcome the representatives from the Department of the Interior and other witnesses for today's National Parks Subcommittee hearing.

Our purpose is to hear testimony on four Senate bills and one House bill: S. 1672, a bill to expand the Timucuan Ecological and Historic Preserve in Florida; S. 1789 and H.R. 1616, to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic site for lands owned by the city of Atlanta, Georgia, and for other purposes; S. 2167, a bill to establish the Lewis and Clark National Historic Park in the States of Washington and Oregon, and for other purposes; S. 2173, a bill to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

I would like also to mention that we originally had planned for S. 1808, a bill to provide for the preservation and restoration of historic buildings at historically women's public colleges and universities, in this hearing. It has been removed from the agenda at the request of the sponsor.

Let me again thank all the witnesses for being here, and I look forward to their testimony and the opportunity for us to discuss these five bills.

Let me turn now to the Senator from Colorado.

[The prepared statements of Senators Cantwell and Miller follow:]

PREPARED STATEMENT OF HON. MARIA CANTWELL, U.S. SENATOR  
FROM WASHINGTON, ON S. 2167

Thank you, Mr. Chairman. This is a busy hearing, but I wanted to take a few moments to express my strong support for one of the bills before us, the Lewis and Clark National Historical Park Act of 2004.

Lewis and Clark's epic journey to explore and chart the western frontier of our fledgling nation has enormous significance in American history, particularly to those of us in the Pacific Northwest where the expedition achieved its momentous goal of reaching the Pacific Ocean almost 200 years ago.

The Lewis and Clark expedition was America's great odyssey, symbolic of our Nation's core values of teamwork, courage, science, and opportunity. And teaching our children about their journey helps the next generation understand what makes America great.

That's why I was proud to introduce the bill before us in March along with my fellow Committee members, Senators Smith and Wyden, and my Washington State colleague Senator Murray.

This bill protects three sites along the lower Columbia River that played crucial roles during the Corps of Discovery expedition. It will protect Clark's Dismal Nitch, where the expedition first viewed the ocean and was trapped during a horrific six-day storm.

It will also set aside Station Camp, where the group held a historic vote among all group members—including Sacagawea and York—on where the expedition should stay for the winter. Finally, this bill will preserve Cape Disappointment, marking the furthest point westward reached by Lewis and Clark, as well as create a national memorial there to commemorate Thomas Jefferson's vision of a country "from sea to shining sea."

The legislation also designates these sites as the "Lewis and Clark National Historic Park," and includes Fort Clatsop National Memorial. The bill also authorizes management partnerships with Oregon's Ecola State Park and Fort Stevens State Park, and Washington's Fort Columbia State Park and Cape Disappointment State Park. Together, these federal and state lands will help tell the story of the explorers at the bicentennial next year and for many years to come.

Mr. Chairman, I am proud of the overwhelming local and national support this effort has received. I'd like to submit for the record a letter supporting this bill from Washington State Senator Mark Doumit and State Representatives Brian Hatfield and Brian Blake, who represent this area in the state legislature. Their letter states that this bill "enjoys the broad support of local citizens, county, state, and municipal governments, port districts, civic groups, and public safety organizations." And they noted that "Local stakeholders were involved with its development at every stage, providing input from inception until final drafting."

I would also like to note the letters of support from the States of Washington and Oregon, local county commissioners, nearby city governments, and several community organizations involved with Lewis and Clark commemorative activities. These letters are printed as part of the National Park Service's boundary study.

I also commend the State of Washington for committing approximately \$6.5 million to realigning a highway and creating a riverside park at Station Camp that will commemorate this part of the Lewis and Clark story. If this bill becomes law, the State plans to generously donate the key portion of the site, about 15 acres, along with the new improvements to the National Park Service.

Finally, I want to take this opportunity to publicly thank Interior Secretary Gale Norton, who recently traveled to the Pacific Northwest and expressed support for this bill. I look forward to working with the Interior Department to ensure that these sites can be opened next year to welcome the million plus visitors the region expects at the bicentennial celebrations.

Mr. Chairman, much has been said about the incredible bravery of the Lewis and Clark expedition and the incredible hardships they overcame to achieve its mission. It took them a year and half and over 4,000 miles to reach the mouth of the Columbia River and we are still benefiting from the invaluable record of the native cultures and the flora and fauna they encountered along the way.

But I'd also like to point out another crucial result of their expedition that I believe is too often overlooked. Prior to the expedition, the United States' claim to the Pacific Northwest, which I now represent, was tenuous at best and based on American sea captain Robert Gray's discovery of the Columbia River in 1792. Lewis and Clark's expedition was crucial to securing the claim and the eventual creation of all the states in the Pacific Northwest.

It is for these reasons I am especially pleased to have noted Lewis and Clark author and historian, and lifetime southwest Washington resident, Rex Ziak here today.

Rex has devoted many years to researching the details of Lewis and Clark's adventures near his home and he recently wrote a book "In Full View a True & Accurate Account" which chronicles the thirty days from November 7 to December 7, 1805 when Lewis and Clark reached the Pacific Ocean. Rex, I appreciate you being here today and look forward to your testimony.

Mr. Chairman, last week Illinois celebrated the 200-year anniversary of the Corps of Discovery's point of departure from Camp River DuBois, then an outpost on the Western edge of our nation.

That means we have a year and a half until the 200-year celebrations reach our Pacific shores in November of next year. So it is my sincere hope that I can work with you and the other members of the Committee, as well as the National Park Service and the States of Washington and Oregon, to ensure these sites are ready to educate, commemorate, and be enjoyed by Americans in time for next year's Lewis and Clark Bicentennial in the Northwest.

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PREPARED STATEMENT OF HON. ZELL MILLER, U.S. SENATOR FROM GEORGIA,  
ON S. 1789

I want to thank the Chairman and members of the committee for allowing me to express my support for S. 1789, the Martin Luther King, Jr. National Historic Site Land Exchange Act.

As you know, S. 1789 would authorize the exchange of land owned by the National Park Service for land of equal or greater value with the City of Atlanta, by amending Public Law 94-428, the act that established the Martin Luther King, Jr. National Historic Site.

Congressman John Lewis and I introduced this land exchange legislation because its passage would allow the Martin Luther King, Jr. National Historic Site to create emergency access to and from the site. The Martin Luther King, Jr. National Historic Site Visitor Center and Museum is landlocked and currently has no emergency access, making it very difficult for firefighting equipment to reach the facility. The City of Atlanta will benefit from this exchange by acquiring property from the National Park Service and in turn encouraging commercial development in the community.

I would like to note that both the National Park Service and the City of Atlanta are in strong support of this bill.

I appreciate your holding this hearing and considering our bill. I ask for your support of this important legislation and its eventual passage by the entire Senate.

**STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL,  
U.S. SENATOR FROM COLORADO**

Senator CAMPBELL. Thank you, Mr. Chairman. Let me speak just for a moment on S. 2173, the Sand Creek Massacre Historic Site.

I want to welcome Steve Brady who was at my office a little bit ago. Steve is one of the leaders of our traditional people in the Northern Cheyenne in Lame Deer, Montana, and he is co-chair of the Sand Creek Massacre Site Project, attended all the meetings, and he will be testifying. I appreciate him being here.

On the morning of November 29, 1864, approximately 700 soldiers that were really Colorado militia, who mustered out after they did this heinous deed, attacked a peaceful encampment on the Cheyenne and Arapaho Indians located on the banks of the Sand Creek, which is in southeastern Colorado. The creek is not there anymore. It is pretty much dried up. But they used small arms and howitzer fire and many of the Indian warriors were not there. It was mostly just a few old men, women, and children. And they committed one of the most atrocious crimes in the American West. Some of the people who were being shot at managed to escape, but most of the elderly could not run. The children could not run. The

women did not, and so they just systematically slaughtered about 150 Cheyenne and Arapaho people.

The following day, these same soldiers, if we can use that word very loosely, walked among the dead looking for survivors. And even after the people were dead, they committed some of the most heinous atrocities you ever heard of, cutting off parts of their bodies, putting them on their rifles. They later paraded through the streets of Denver and were commended for this action by the *Rocky Mountain News* at the time.

That site has been known for a long time to the people of Colorado, and in the years that followed, many individuals have tried to raise the awareness of that Sand Creek Massacre and the enormity of what happened. Mr. Brady's organization, really the Sand Creek Massacre Historic Site Project, has been a very strong part of that effort.

In the 106th Congress I introduced the Sand Creek Massacre National Historic Site Establishment Act, which the President, President Clinton at the time, did sign into law. That act authorized the Secretary of the Interior to begin acquiring land near the site of the massacre for the eventual establishment of a permanent memorial in remembrance of the lives that were so violently and senselessly taken.

At the time of the enactment of that law, only a small portion of the significant land was available to be acquired, but since that time the Cheyenne and Arapaho tribes of Oklahoma have acquired a critical piece of property, which was called the Dawson Ranch. It belonged to a rancher and his wife. About 1,400 acres, as I remember, was in that parcel. But that is very crucial because of its size and location, right in the center of the massacre site.

This bill before us today would take this land into trust for the Cheyenne and Arapaho tribes of Oklahoma to become part of the Sand Creek Massacre National Historic Site. With the addition of this land, the National Park Service will be able to recommend to the Secretary that the site be officially established.

I am very proud of the tribes' commitment to this effort. I look forward certainly to hearing Mr. Brady's testimony.

With that, thank you for scheduling this hearing.

Senator THOMAS. Thank you, Senator.

The Senator from Florida.

#### **STATEMENT OF HON. BILL NELSON, U.S. SENATOR FROM FLORIDA**

Senator NELSON. Thank you, Mr. Chairman.

I am happy to be here to tell you about a piece of land that has been donated to the National Park Service and the passage of this bill would memorialize that to be an accomplished fact.

For only 8½ acres, it might be somewhat unusual to be spending this much attention, but I will tell you that this particular area, which is the beach area of Amelia Island is one of my favorite places on the planet. Every chance that I get to go there, it is a wonderful place to let the pressures of Washington, D.C. just kind of melt away.

Amelia Island is the northern-most barrier island on the Atlantic in the State of Florida. Its northern boundary is the St. Mary's



River, which is the State line, and which is the river that now our Trident submarines traverse in and out of as they are going to the big Trident sub base at King's Bay, Georgia.

To the south is this beautiful island that has been preserved, and it is now developed on a large part of it, but it has been developed in a high quality so that a lot of the natural beauty and the historical significance has remained.

It is an interesting part of our history because we were a segregated society for so many years. Back in 1932 there was established what back then was known as the Black Beach. This has happened in other parts of the South. It is true also in Miami on one of the barrier islands there called Virginia Key. It became a beach that African-Americans would use and would own the adjacent land. A substantial African-American community is still there today.

As part of this American Beach, there is a unique geological feature which has now been donated, offered to be donated, by the Amelia Island Plantation for a very high historic dune. Obviously, the point of all of this is to preserve this 8½ acres, which is the highest point on Amelia Island.

The American Beach Historic District was listed on the National Register of Historic places in recognition of its African-American cultural heritage, and the natural value of this 8½ acre section of beach, known as Nana, we are seeking inclusion in the Timucuan Preserve. It is also not only the tallest natural dune on Amelia Island, but it is the habitat for the threatened loggerhead turtle and the critical calving grounds for the north Atlantic right whale.

Companion legislation was passed in the House. This has been modified from 12½ to 8½. If there is any confusion about that, that is what has been donated.

I appreciate the efforts of MaVynnee Betsch. She is affectionately known as the Beach Lady. I appreciate the efforts of Carol Alexander, who you are going to hear from in just a few minutes, and of Jack Healen who is the president of the Amelia Island Plantation, all who have joined together to preserve this piece of African-American history.

The Beach Lady is the inspiration for this legislation. She is the great granddaughter of A.L. Lewis who was the first owner of this beach, and he was a longtime champion of protecting this dune, series of dunes called Nana.

So, Mr. Chairman, I wanted to come. This was very important to me personally. I know it well. It is a beautiful part of our flora and fauna and it is a beautiful part of us trying to preserve the historical significance of this area. Thank you, Mr. Chairman.

Senator THOMAS. Thank you, Senator.

How do you pronounce the name of the preserve?

Senator NELSON. Timucuan. It is a name that comes from an Indian tribe that was very early in Florida all throughout these parts of northeastern Florida. The land that was named La Florida, which as the land of flowers, came from the Spanish when they first came.

Senator THOMAS. Thank you, sir. I appreciate it.

Senator NELSON. Thank you.

Senator THOMAS. The Senator from Hawaii.

[The prepared statement of Senator Nelson follows:]

PREPARED STATEMENT OF HON. BILL NELSON, U.S. SENATOR FROM FLORIDA,  
ON S. 1672

I want to thank the Chairman and Ranking Member for holding this National Parks Subcommittee hearing and receiving testimony on my bill S. 1672 which seeks to expand the boundaries of the Timucuan Preserve to include an 8.5 acre stretch of untouched beach that was one of the few integrated beaches in the 1930s.

Today, American Beach which includes this 8.5 acre stretch at issue today, is the only remaining example of a beach resort established for use by AfricanAmericans during the divisive 'Jim Crow' era of American history.

In January 2002, the American Beach Historic District was listed on the National Register of Historic Places in recognition of its AfricanAmerican cultural heritage.

In terms of its natural value, the 8.5 acre section of beach known as "Nana" seeking inclusion in the Timucuan Preserve is the tallest natural dune on Amelia Island and habitat for the threatened loggerhead turtle and critical calving grounds for the North Atlantic Right Whale.

The House passed companion legislation to this bill on May 18, 2004, slightly modifying the bill to correct the acreage donated from 12.5 acres to 8.5 acres which I support.

I appreciate the efforts of MaVynnee Betsch, affectionately referred to as the "Beach Lady," Carol Alexander, and Jack Healan, President of Amelia Island Plantation to preserve this piece of AfricanAmerican history.

The Beach Lady is the inspiration for this legislation. She is the great grand daughter of A.L. Lewis, the first owner of this beach, and a long time champion of protecting "Nana."

Carol Alexander, who will testify today, has worked tirelessly to ensure this piece of African-American history is preserved.

And Jack Healan, President of the Amelia Island Plantation, donated the untouched beach to the Park Service to make this possible.

Thank you again for the opportunity to address this Subcommittee and I urge your support for this bill.

**STATEMENT OF HON. DANIEL K. AKAKA, U.S. SENATOR  
FROM HAWAII**

Senator AKAKA. Thank you very much, Mr. Chairman, for holding this hearing.

All of the bills of this afternoon's agenda share an important new theme. For many years, the historic sites and monuments administered by the National Park Service focused principally on the history of European settlers. The composition of bills we are hearing today reflects the broad diversity of American culture, from the story of American Beach in Florida and its place in African-American family life from the 1920's to the 1950's, to the home of Martin Luther King and his role in the civil rights movement, from Lewis and Clark and their expedition into what was then uncharted territory for the American Government, to Sand Creek in Colorado, the site of a terrible massacre of members of the Cheyenne and Arapaho tribes. These bills cover quite a broad spectrum of American history.

Mr. Chairman, I briefly reviewed these bills yesterday afternoon and it appears to me that most of them are noncontroversial, and I hope that we will be able to move them quickly through the committee.

One of the bills on the agenda today is S. 2167, Senator Cantwell's bill to establish the Lewis and Clark National Historical Park in Washington and Oregon. Senator Cantwell is unable to be here today. I know she is very disappointed not to be here because of her strong support for this bill. But I would ask, Mr. Chairman,

that her statement and statements in support of the bill from several members of the Washington State legislature be included in the hearing record.

Senator THOMAS. They will be included.

Senator AKAKA. I would like to add my welcome to all of the witnesses and look forward to hearing their testimony. Thank you very much, Mr. Chairman.

Senator THOMAS. Thank you, Senator.

Lewis and Clark did not make it quite to Hawaii, did they?

Senator AKAKA. No.

[Laughter.]

Senator THOMAS. We have a good group of witnesses today. On the first panel, Deputy Assistant Secretary of the Interior Paul Hoffman. I am always glad to have Paul here. He is with the Fish and Wildlife and Parks Department. Thank you, sir.

**STATEMENT OF PAUL HOFFMAN, DEPUTY ASSISTANT SECRETARY, FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR**

Mr. HOFFMAN. Thank you, Mr. Chairman, members of the committee. It is my pleasure to be here again to testify on these four bills. I will give you just a brief scorecard summary.

S. 1672, the Timucuan Ecological and Historic Preserve Boundary Expansion Act. The Department of the Interior supports that bill.

S. 1789, the Martin Luther King, Junior, National Historic Site land exchange. The Department supports that bill.

S. 2167, the Lewis and Clark National Historical Park's name change and expansion. The Department supports that bill with some technical amendments, which I will discuss in a moment.

And S. 2173, the Sand Creek Massacre National Historic Site land transfer. The Department supports that bill with some amendments, as well.

I have submitted some written testimony, which I would like to be made part of the record.

Senator THOMAS. It shall be.

Mr. HOFFMAN. And I will take this opportunity to apologize for the late arrival of the Sand Creek Massacre testimony.

S. 1672, Timucuan Ecological and Historic Preserve boundary expansion. As I indicated, the Department supports this bill. This is another theme that these bills represent and that is the theme of partnerships in the management of national parks. This is one of those partnership parks. The total acreage is 46,000 acres, of which less than 10,000 of those acres are owned by the National Park Service. The rest is county, State, city-owned lands, and those agencies share in the management of that park as well.

This bill would add 12.5 acres to the preserve. It would be a non-contiguous unit. It is across the river on Amelia Island, as Senator Nelson noted. 8.5 of the acres are donated to the National Park Service by the Amelia Island Plantation. The other 4 acres are to be purchased by Nassau County. So this is a no-cost expansion to the National Park Service.

American Beach does represent a significant piece of our history. It is an African-American beach from what is widely called the

“Jim Crow” era of segregation. It was established for use by African-Americans by an insurance executive, the CEO of the Afro-American Life Insurance Company, Abraham Lincoln Lewis.

This expansion would preserve the only remaining piece of that beach that has got the historic integrity, dating back to the days of its use as American Beach.

As I indicated, there is no cost in the acquisition of the lands, and there would be a cooperative management scheme, such that there is virtually no additional cost to the management of the park. And there is an awful lot of local support for this park expansion as well.

Senator THOMAS. Let me interrupt. Did you say it was 46,000 acres?

Mr. HOFFMAN. The total park.

Senator THOMAS. In the city of Jacksonville.

Mr. HOFFMAN. Well, adjacent to it, to the north and east of it. There are a lot of wetlands and then there are a number of historical sites that are part of the park as well.

Senator THOMAS. That is a lot. Thank you.

Mr. HOFFMAN. S. 1789, the Martin Luther King, Junior, National Historic Site exchange. The Department supports this bill.

It authorizes an exchange between the city of Atlanta and the National Park Service. Normally we require cities or counties to donate lands to national parks. In this particular instance, the city of Atlanta has already donated a substantial chunk of real estate, upon which the visitor center is constructed. This particular exchange would have the National Park Service getting 1.7 acres which will provide emergency access to the visitor center. Right now there is only foot access to the visitor center, and in exchange for that, the city of Atlanta would get one-third of an undeveloped acre on the back side of the park unit, upon which they would build a parking facility.

This exchange would not only enhance the emergency access, ingress and egress, to the visitor center for the National Park Service, but it will enhance Atlanta’s efforts to revitalize and redevelop the Edgewood Avenue area of their city. It does require an equal value exchange, and we may adjust the acreage in order to make that an equal value exchange.

The only cost to the Park Service as a result of this exchange would be \$160,000 to pave the road into the visitor center to provide that access.

S. 2167, the Lewis and Clark National Historical Park, a name change and expansion bill. The Department supports this bill with technical amendments.

This bill will rename Fort Clatsop National Memorial to the Lewis and Clark National Historical Park. We believe that this will more accurately reflect the nature of the park and make it more readily identifiable to the American public, especially as we are about halfway through the bicentennial celebration of this historic mission of exploration.

I believe that the significance of the Lewis and Clark bicentennial cannot be understated. The discovery expedition from 1803 to 1806 is widely hailed as one of the most significant exploratory events of this country and perhaps even the world. The significance

of the Fort Clatsop area is that is where the winter encampment of the expedition was during the winter of 1805 and 1806, before they returned to St. Louis the following summer.

The Department supported and Congress passed a boundary expansion in 2002 and in conjunction with that, there was a study authorized to look into other potentials for expansion of the park down the road. The 2002 expansion took the Fort Clatsop National Memorial from 125 acres to 1,500 acres. It enabled the creation of a trail to the sea, to the area where the Lewis and Clark expedition boiled sea water to buildup their severely depleted salt supplies.

The purchase of that additional acreage, to complete that expansion, is the No. 2 priority for land acquisitions within the Park Service. It is estimated to cost \$6.5 million.

This particular bill will add three new sites to the park unit, and these sites are currently State parks. We believe that this bill represents a four C's effort. Secretary Norton has what she calls her four C's which is conservation through cooperation, consultation and communication. Our leader in this effort out there at the park has been the superintendent of Fort Clatsop National Memorial, Chip Jenkins, who is here with us today, and he has really done an outstanding job of working with both the States of Washington and Oregon and the local communities on this effort.

There will be cooperative management of the new units. There will be close coordination with both States and in the management of their other State parks and in the promotion of the newly expanded park. All the units, together with the State units, will be collectively identified as the Lewis and Clark National and State Historical Park, which is similar to what we do in California with the Redwood National Park adjacent to the California Redwood Park.

The three units to be added include Cape Disappointment. This is the western-most point of the Lewis and Clark Expedition. The acreage to be added is currently Bureau of Land Management land which has been withdrawn from public use for the Army Corps of Engineers and the U.S. Coast Guard. We would like to work closely with the committee on the verbiage of an amendment to the bill to address the transfer of the administration of all the Cape Disappointment lands to the National Park Service. The bulk of the Cape Disappointment area would be managed by the State of Washington as a State park, but 20 acres within that would be the site of a memorial to Thomas Jefferson and managed by the National Park Service.

The other unit to be added would be Clark's Dismal Nitch. This is where the expedition nearly floundered. They got pinned against the cliffs there during a severe Pacific storm, and it was a very significant part of their arrival in that area. This is 30 acres of land to be donated to the National Park Service by the State of Washington, and it includes 160 acres which would be purchased for somewhere between \$1.5 million and \$2.3 million.

The third unit to be added would be Station Camp. This is where the expedition finally reached the mouth of the Columbia River, and the most extensive surveying and location data documentation done by Meriwether Lewis was done at this site.

This is also unique in that it is where the first known democratic action took place west of the Mississippi where the expedition voted on the location where they were going to over-winter that year.

This involves 15 acres to be donated by the State of Washington, as well as about \$6.5 million in road and infrastructure improvements that will be donated to the National Park Service by the State of Washington. It would also involve the acquisition of a conservation easement on 455 acres in the area.

We are very excited about this particular bill. We think it represents a unique opportunity to make a dramatic statement about the bicentennial of the Lewis and Clark expedition, as well as highlight how we can expand and manage parks cooperatively with States and other entities in order not to make them a burden upon the Federal budget.

The fourth bill, S. 2173, the Sand Creek Massacre National Historic Site land transfer bill. The Department supports this bill with amendments.

This site, as Senator Campbell so well articulated, was authorized in 2000 for up to 13,000 acres with the Secretary of the Interior having the discretion to establish it as a unit of the National Park Service once adequate acreage was in the hands of the Park Service so as to make it a viable unit and to adequately be able to interpret and protect the site of the Sand Creek Massacre.

This particular bill authorizes the Secretary of the Interior to receive 1,465 acres from the Cheyenne and Arapaho tribes. This would be a donation. It would be held in trust, but would be administered by the National Park Service for historic preservation purposes. That is the real need for this particular authorization. It is not the normal kind of trust relationship the Department has with tribal lands.

The National Park Service has surveyed the area to determine the actual site of the Sand Creek Massacre and other significant resources in the area, and this 1,465 acres, together with the approximately 900 acres that the Park Service owns, will constitute a significant part of the actual site where the massacre took place. So we believe with the passage of this bill and the transfer of the land, that it is time to designate the Sand Creek Massacre National Historic Site as a National Park Service unit.

We would like to work with the committee on some amendments to this bill. We would prefer that the bill not actually make this 1,465 acres of land part of the Cheyenne and Arapaho reservation. That poses some administrative challenges, given that their reservation lands are actually in Oklahoma.

We would like to clarify the language that addresses the Secretary's role as trustee.

And we would like to work with the committee on addressing the future management of the buildings on the 1,465-acre donation. There are some trust implications that come to bear on how buildings are managed, and we would prefer to see them managed according to national park standards, but we are more than willing to work with your staff and the committee to develop the language for these amendments.

That concludes my comments, and I am prepared to take any questions the committee may have.

[The prepared statements of Mr. Hoffman regarding S. 1672, S. 1789, H.R. 1616, S. 2167, and S. 2173 follow:]

PREPARED STATEMENT OF PAUL HOFFMAN, DEPUTY ASSISTANT SECRETARY, FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR

ON S. 1672

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the Department's views on S. 1672, a bill to expand the Timucuan Ecological and Historic Preserve in Florida.

The Department supports S. 1672. The bill would authorize the National Park Service (NPS) to expand the preserve boundary to include American Beach, a unique historic recreational area established in the 1920s for African-Americans during the segregated "Jim Crow" era. The 12.5 acre boundary expansion, including the existing structures and beachfront, will not result in additional operational costs to the NPS because the area would be managed with existing staff.

S. 1672 authorizes a boundary expansion for the Timucuan Preserve to encompass 12.5 acres of the remaining American Beach area. The 12.5-acre area is significant because it includes important remnants of the beach, natural dune, and remaining historic structures associated with the prominent era of American Beach resort use. Consistent with many other areas within the boundary of the Timucuan Preserve, the NPS would cooperate with other agencies and private landowners in managing land within its boundary.

Inclusion of American Beach will facilitate preservation and understanding of this important site. Within the 12.5-acre expansion area, the NPS anticipates receiving 8.5 acres by donation from the Amelia Island Plantation. The remaining four acres are in private ownership and are currently for sale. Although within the boundary expansion area, NPS has no plans to purchase these four acres. Like other areas of the Timucuan Preserve that are outside of NPS ownership, the NPS would work cooperatively with appropriate agencies and interested private landowners to help to manage and interpret American Beach resources. Nassau County officials and private citizens support expansion of the park boundary and donation of American Beach land to the NPS.

Abraham Lincoln Lewis, co-founder and president of the Afro-American Life Insurance Company, founded American Beach in 1920 as a place where executives and employees of the company could enjoy ocean beach recreational activities in the "Jim Crow" era when such opportunities were severely limited. However, word soon spread and African-Americans from Atlanta, Tuskegee, and other parts of the south came to the beach town to buy property and spend their summers free from reminders of segregation and discrimination. The resort also had low rates that allowed the less affluent accessibility for day gatherings. The African-American working class came to the resort from farming towns across South Georgia, North Florida, and Alabama.

In the 1940s and 1950s American Beach became the place where African-Americans went for recreation and relaxation without seeing a "Whites Only" sign, the rule for beaches in the southeast at that time. Many writers, artists, and entertainment and sports celebrities enjoyed the town's special vacationland atmosphere. At American Beach, entertainers like Ray Charles and Duke Ellington played in the local clubs.

The Amelia Island Plantation, a private corporation on Amelia Island, intends to donate 8.5 acres of the 12.5-acre expansion area to the NPS. The proposed donation would ensure that the legacy of conservation on behalf of Abraham Lincoln Lewis and the Afro-American Life Insurance Company is preserved. The 8.5-acre donation consists of a natural sand dune that is currently open to visitor use through a conservation easement, and associated scrub and maritime hammock habitat. The dune and surrounding habitat were protected from development in the original designs for American Beach. The Amelia Island Plantation Corporation later preserved the site intact when it purchased the property. Natural habitat values of the site include high species diversity with relatively little disturbance and few exotic species, and habitat for the threatened loggerhead turtle.

The proposed expansion area also includes important remaining structures from the "Jim Crow" era, including the cotillion area where people gathered to be entertained by celebrities. One home (Ervin's Rest) was listed on the National Register of Historic Places in 1998. In 2002 the American Beach Historic District was listed on the National Register in recognition of its African-American cultural heritage. The NPS, other agencies, and private landowners will cooperatively manage structures that remain within the boundary expansion area.

Created by segregation and abandoned after integration, American Beach has struggled against a powerful tide. Development of large condominium and resort complexes on Amelia Island has encroached on the remnants of this African-American resort community. As a result, American Beach has decreased in acreage from its most prosperous size of 200+ acres to only 60 acres that remain today. Inclusion of the proposed 12.5 acres within the Timucuan Preserve will help preserve critical components of American Beach and its unique association with African-American heritage.

The General Management Plan for the Timucuan Preserve outlines a partnership approach to management. Should the preserve boundary be expanded, management of American Beach would follow this partnership model. In particular, the NPS would work closely with County, State, federal, and private interests on lands owned by the NPS and in other sites outside of NPS ownership but within the preserve boundary. Through these partnerships, the NPS would work cooperatively to pursue restoration and protection of remaining historic and natural resources at American Beach.

The proposed boundary expansion enjoys support from private landowners and local officials. Throughout Nassau and Duval Counties, Florida individuals and groups have demonstrated support for the protection and conservation of American Beach. American Beach has also been the subject of documentaries on the History Channel. As a result, high public interest in saving this resource has been generated.

Mr. Chairman, this completes my testimony. I will be happy to answer any questions that you or any members of the Subcommittee may have now.

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ON S. 1789 AND H.R. 1616

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the Department's views on S. 1789 and H.R. 1616. These bills would authorize the exchange of lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia.

The Department supports both of these bills, which are identical. At a hearing on June 17, 2003, the Department testified in support of H.R. 1616, which passed the House without amendment on October 28, 2003.

Both bills would allow the National Park Service (NPS) to exchange land currently owned on Edgewood Avenue for land of equal or greater value from the City of Atlanta (City). The exchange would provide the Martin Luther King, Junior, National Historic Site (park) with emergency access to the park visitor center, and would help in the continuing revitalization of Edgewood Avenue. Although appraisals have not been completed, there would be no acquisition costs associated with this equal value exchange. Development of the newly acquired land, in order to provide paved access for emergency vehicles, is estimated to cost \$160,000. There would be no increase in operational costs or the need to fund additional facilities.

Both bills would amend Section 2(b) of P.L. 96-428, the act that established Martin Luther King, Jr. National Historic Site, to allow the Secretary of the Interior to acquire land within the boundary of the park that is owned by the State of Georgia, or any political subdivision of the State, by exchange. Currently, P.L. 96-428 only allows the Secretary to acquire such lands by donation.

The park and nearby Preservation District, which includes Sweet Auburn, the economic and cultural center of Atlanta's African-American community during most of the 20th century, were established in 1980 to preserve, protect and interpret the places where Dr. King was born, worked, worshipped, and is buried. Located near downtown Atlanta, the park consists of 34.47 acres, of which 13.04 acres is currently in federal ownership.

Most of the park is self-guided, including the visitor center, Historic Ebenezer Baptist Church, Dr. King's gravesite, Freedom Hall and Historic Fire Station No. 6. Guided tours are provided for Dr. King's Birth Home. In addition, the park preserves and maintains 22 historic properties. Most of these properties are located on the same block as the Birth Home and are restored to the 1930s period when Dr. King lived on Auburn Avenue. These historic properties are leased, as residential units, to the general public.

In 1992, when the NPS began planning for a visitor center, the preferred location was determined to be the site of the City-owned Martin Luther King, Jr. Community Center. In accordance with P.L. 96-428, land could only be acquired from the City of Atlanta by donation. The City, realizing the importance of having an NPS visitor center within the park, agreed to donate the community center to the NPS.



Due in large part to the City's generosity, the visitor center has been completed. However, emergency vehicles are unable to access the visitor center from nearby streets and additional land is needed to provide this emergency vehicle access. The City owns 1.71 acres that are adjacent to the visitor center, have easy access from Jackson Street, and could be developed to provide the needed emergency access for the visitor center. The City is interested in conveying all, or a portion, of this property to the NPS through an exchange.

When the park was established, the boundary was created to ensure the preservation of Dr. King's neighborhood. Included within the boundary is Edgewood Avenue. In order to assure preservation of the area NPS has gradually acquired several properties along Edgewood Avenue, which was a deteriorating commercial area.

At the time the park was established, there were no local efforts to preserve properties along Edgewood Avenue. However, during the past 10 years several individuals and organizations, with the support of the City, have initiated restoration of the preservation district, including Edgewood Avenue. NPS ownership on Edgewood Avenue is no longer needed solely to ensure preservation and NPS has identified land along Edgewood Avenue that would be suitable for an exchange with the City, in order to acquire the parcel adjacent to the visitor center.

That completes my testimony. I would be happy to answer any questions that you or any members of the subcommittee may have.

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ON S. 2167

Mr. Chairman, we appreciate the opportunity to appear before you today on S. 2167, to establish the Lewis and Clark National Historical Park in the States of Washington and Oregon.

The Department supports enactment of S. 2167. This bill, which would expand Fort Clatsop National Memorial to include sites in the state of Washington as well as Oregon and rename the unit the Lewis and Clark National Historical Park, is an Administration initiative, submitted to Congress in February of this year. S. 2167 would facilitate a promising partnership between the National Park Service and the two states for coordinating management and interpretation of all the federal and state sites related to the Lewis and Clark Expedition in the lower Columbia River region. We urge the committee to move this legislation as quickly as possible in order to increase the likelihood of its enactment before the start of the Lewis and Clark Expedition 200th Anniversary events in Washington and Oregon, which are scheduled to begin in the summer of 2005.

S. 2167 would implement the recommendations that resulted from the Fort Clatsop National Memorial boundary expansion study the National Park Service conducted of three sites along the lower Columbia River in the State of Washington that are important to the story of the Lewis and Clark Expedition. The study found that the three sites are nationally significant, and that they are suitable and feasible for addition to Fort Clatsop National Memorial. It recommended that two of the sites and part of the third site be added to Fort Clatsop. It also called for changing the name of Fort Clatsop to the "Lewis and Clark National Historical Park," to reflect not only the addition of the Washington sites, but also the fact that the Fort Clatsop National Memorial now includes a much larger area in Oregon than just the site where Fort Clatsop stood. The study further recommended that the National Park Service enter into partnerships with the states of Oregon and Washington to coordinate management and interpretation at all of the federal and state sites in the area related to the Lewis and Clark Expedition, both for management efficiencies and to provide a more cohesive presentation to the public of the Expedition's experiences upon their arrival and encampment on the Pacific coast.

For the three Washington sites, the cost to the federal government for land acquisition is estimated to range from \$1.5 million to \$2.3 million, and for development, between \$2.1 million and \$4 million. Annual operating costs are estimated at about \$127,000.

Fort Clatsop National Memorial, near Astoria, Oregon, was established to commemorate the 1805-1806 winter encampment of the Lewis and Clark Expedition. The original site consists of a replica of the fort that was constructed through the efforts of the Junior Chamber of Commerce, Oregon and Clatsop County Historical Societies, Crown Zellerbach, other civic organizations and many individual volunteers. The donation of the reconstructed fort and acres of surrounding land in 1958 allowed the establishment of the memorial. Public Law 107-221, the Fort Clatsop National Memorial Expansion Act of 2002, expanded the memorial from 125 acres to up to 1,500 acres of land adjacent to the site. These lands are a priority for acquisition in the Administration's budget request for Fiscal Year 2005. The expansion

also provides for a five-mile Fort To Sea Trail, which will enable park visitors to walk from Fort Clatsop to Sunset Beach. Like the original park, the trail is being designed and will be constructed largely through donated resources and volunteer labor.

In addition to the expansion of Fort Clatsop, Public Law 107-221 also authorized the boundary study of three sites in Washington that became the basis for S. 2167. These sites are Clark's Dismal Nitch, Station Camp, and Cape Disappointment. They would form the Washington state part of the new Lewis and Clark National Historical Park.

Clark's Dismal Nitch is the place where the Expedition nearly foundered as they were pinned against the cliffs by a fierce Pacific storm, just a few short miles from the mouth of the Columbia River. Approximately 30 acres would be donated by the State of Washington, and up to 160 acres would be acquired in fee or easement from a willing seller.

Station Camp is the site where the Lewis and Clark Expedition finally reached the mouth of the Columbia River. It was at that location that Captain William Clark completed the most detailed survey of the entire journey, and the members of the Expedition launched reconnaissance trips north along what is now known as the Long Beach Peninsula in Washington. It is also the site where the members of the Expedition, including Clark's slave York and the young Shoshone Indian woman Sacagawea, voted to decide where to spend the winter. As a result of the vote, the Expedition crossed over the Columbia River and built what we now know as Fort Clatsop. Washington State is currently investing approximately \$6.5 million in re-aligning a highway and creating a riverside park at Station Camp that will be dedicated to commemorating this part of the Lewis and Clark story. If S. 2167 is enacted, the state would donate the key portion of the site, about 15 acres, along with the new improvements to the National Park Service. About 455 acres would be acquired in easement from a willing seller to protect the scenic backdrop.

Cape Disappointment was the furthest point west the Expedition explored. It was there that the members of the Expedition first saw a full view of the Pacific Ocean. Land at Cape Disappointment is owned by the Federal government and managed as a state park. Under S. 2167, the National Park Service could be given administrative jurisdiction over 1,140 acres of Federal land at Cape Disappointment and, in that case, would enter into a cooperative management agreement with the state of Washington to allow that land to continue to be operated as a state park. Twenty acres within the state park would be managed by the National Park Service as a memorial to Thomas Jefferson to commemorate his vision of a country "from sea to shinning sea" and how the Lewis and Clark Expedition helped to achieve this vision.

The language in Section 4(d)(5) of the bill that pertains to the disposition of Cape Disappointment, as described above, needs amending to facilitate the transfer in a timely manner and to ensure that the intent of that provision is clear. We would be happy to work with committee to develop an amendment for that purpose.

The boundary study was undertaken in partnership with the Washington State Historical Society, the Washington State Park and Recreation Department, and the Oregon State Park and Recreation Department. Through this collaboration, the study team determined that nationally significant sites associated with the Lewis and Clark story are also under the management of the both Washington and Oregon Parks and Recreation Departments. These sites are found within Cape Disappointment State Park and Fort Columbia in Washington, and Fort Stevens State Park and Ecola State Parks in Oregon.

As a result, the study called for the National Park Service to enter into cooperative management agreements with both states to operate the National Park Service units in close collaboration with these state park units, and S. 2167 specifically provides the authority for that purpose. Collectively, the parks would be identified as the "Lewis and Clark National and State Historical Parks." This would be a similar arrangement to the one at Redwood National Park, where the federal and state park agencies share resources under a cooperative management agreement and identify the parks for public information purposes as "Redwood National and State Parks."

Mr. Chairman, in summary, S. 2167 offers an exciting and timely opportunity to expand the American public's appreciation of the great achievements of the Lewis and Clark Expedition, and to do so through a very promising partnership with two states that are extremely supportive of this effort. That concludes my statement. I will be happy to answer any questions you or other members of the subcommittee may have.

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 2173, a bill to further the purpose of the Sand Creek Massacre National Historic Site Establishment Act of 2000. We would like to thank Senator Campbell for his continued interest and support of this site.

The Department supports S. 2173 if amended as described at the end of this testimony. S. 2173 would convey title to a section of land formerly known as the "Dawson Ranch" and existing structures on that land to the United States to be held in trust by the Secretary of the Interior and managed by the National Park Service strictly for the purposes for which Sand Creek Massacre National Historic Site was authorized by P.L. 106-465. The purposes of that Act are to recognize the national significance of the massacre in American history, its ongoing significance to the Cheyenne and Arapaho people and descendants of the massacre victims, and the opportunity to involve the tribes and the State of Colorado in the development of plans and educational programs for the site. Under the bill, the property could only be used for historic, religious and cultural purposes that are compatible with the use of the land as a national historic site. S. 2173 also would require the completion of a survey of the "Dawson Ranch" to accurately establish the boundary of the proposed tribal trust lands. Finally, the bill would declare that the trust property become a part of the Indian reservation of the Cheyenne and Arapaho Tribes of Oklahoma.

Sand Creek Massacre National Historic Site is located in Kiowa County on the eastern plains of Colorado. Within the boundary of the site there are approximately 12,500 acres of private and State land that has changed little since 1868. On November 29, 1864, a group of some 700 volunteer Colorado militiamen under the command of Colonel John Chivington, a Civil War hero, entered the Sand Creek camp occupied by about 500 people of the Cheyenne and Arapaho tribes. At the same time, Cheyenne Chief Black Kettle was conducting peace negotiations with the U.S. government on behalf of his people. Although the Cheyenne and Arapaho people believed they were under the protection of the U.S. Army, Chivington's troops attacked and killed about 150 people, mainly women, children, and the elderly.

The massacre resulted in almost instant controversy, which ultimately led to three federal investigations, all of which condemned Chivington's actions. In 1865, the Treaty of Little Arkansas provided victims of Sand Creek minor compensation for their suffering and loss of property.

As time passed, evidence of the massacre slowly disappeared. Although the event continued to be remembered, the only commemoration of the massacre was a simple granite marker placed near the site by the local community in 1950. Following the provisions of P.L. 105-243, the National Park Service completed a study of the area that determined the location and extent of the Sand Creek Massacre, and the feasibility of designating the site as a unit of the National Park System. Those findings were presented to Congress, and the national historic site was authorized by P.L. 106-465.

The law authorizing Sand Creek Massacre National Historic Site required that "sufficient" land be acquired from willing sellers "to provide for the preservation, memorialization, commemoration, and interpretation of the Sand Creek Massacre" before the area would be established as a national historic site. Since February 2001, the Conservation Fund has purchased and conveyed to the NPS a total of 920 acres from three willing sellers. The total cost of these purchases is \$136,100.

With the transfer of the Dawson Ranch, authorized in S. 2173, the NPS believes it would have sufficient land for establishment of the national historic site and would forward a recommendation to the Secretary to formally establish the park. The Dawson Ranch, which includes approximately 1,465 acres and four existing buildings, lies within the core area of the authorized site. It was purchased by Southwest Entertainment, Inc., in December 2002 for approximately \$1.5 million. Southwest Entertainment, Inc., has conveyed the property and the buildings in fee to the Cheyenne and Arapaho Tribes of Oklahoma. The tribes have expressed an interest in having the NPS manage the site and the authorizing legislation provides for substantial tribal input into the management planning process. The Dawson Ranch, combined with the existing 920 acres, would be of sufficient size and interest to provide opportunities for visitors and protect the area of the site containing the most sensitive and critical historic resources.

Until the site is established, the NPS does not have authority to enforce federal laws and regulations on any of the lands within the site boundary, including the 920 acres currently in NPS ownership. The NPS has surveyed the boundary and has posted signs, however no public access is permitted. The NPS has entered into a

cooperative agreement with Kiowa County for wildland fire management and other assistance. We also have agreements with all four associated tribes to continue consultation in the development and management of the site and to provide for reasonable access for commemorative purposes and traditional cultural and historical observances.

Research is being conducted so that management plans can be developed as quickly as possible should a national historic site be formally established. Sand Creek Massacre NHS has submitted a request to begin a general management plan (GMP). Until funding is available for the GMP, the Intermountain Region and park staff will develop an interim operation plan by the end of this year.

The site currently receives \$287,000 for operations in FY04. If S. 2173 is enacted, NPS would request an additional amount of \$547,000 to operate the site (\$104,000 for initial law enforcement and an additional \$442,000 for operations and FTE). Additional costs may be required for the structures, including four buildings, that would be placed into trust status under S. 2173. One of the buildings, a ranch house, is not in good condition and would cost \$426,000 for rehabilitation. Discussions between NPS, the Tribal owners, and the Northern Cheyenne and the Northern Arapaho Tribes indicate a strong interest in removing this structure, which would cost approximately \$106,000. Two buildings are sheds that would be used for storage, and one building is a large garage and ranch office that NPS and the Tribe could use as a maintenance building, office or temporary visitor contact station. NPS would need to make minimal repairs, if any, to these buildings at this time.

One of the hallmarks of the history of the creation of Sand Creek Massacre National Historic Site has been the cooperation and dedication of all interested parties. The tribes, descendants organizations, the local communities in Kiowa and other surrounding counties, the State of Colorado and other Federal agencies have developed excellent relationships and established lines of communication that have allowed us to be here in less than 10 years, on the brink of establishing a site that will tell an important story in this country's history.

We have three important amendments to offer that would clarify the purposes of the bill and the roles and responsibilities of the Secretary. The first two amendments are reflected in the amendment to Section 6, attached at the end of this testimony. We would like to work with the Committee and the Tribe to develop the third amendment before the bill moves forward.

First, we suggest deleting the provision in Section 6(a), which declares the property to be a part of the Indian reservation of the Tribe. Declaration of a reservation is an action that is independent of transfer into trust status and seems unnecessary for the administration of the trust land as part of a national historic site.

Second, we are concerned that S. 2173 does not specify what duties are required of the Secretary. We believe that Congress, when it mandates land be taken into trust, should specifically define the expectations of the beneficiary and the obligations of the Federal government. Both the Executive and the Judicial Branches, as well as the beneficiary, are faced with the question of Congress' intent when it puts land into trust status.

While S. 2173, as introduced, contains a provision indicating that the trust property shall be administered "in accordance with the law generally applicable to property held in trust by the United States for the benefit of Indian tribes", this provision is so potentially broad that it makes the duties of the Secretary with regard to the land and the structures that are to be held in trust even less clear. We suggest an amendment in Section 6 of the bill that would eliminate this confusing provision. The amendment also would consolidate existing provisions that require that the Secretary administer the property in accordance with the law establishing the national historic site and that the property be used only for historic, religious, or cultural uses and only if those uses are compatible with the national historic site. The amended provision would clarify the scope of the trust responsibility.

Even with this amendment, guidance in the bill with regard to the duties of the Secretary is limited, particularly with respect to the structures taken into trust status. As you know, the President has made a commitment to addressing the deferred maintenance backlog in our national parks. Toward this effort, the NPS has, for the first time ever, developed a comprehensive system to grade the condition of facilities. With this system, the NPS can set targets each year to improve facility grades and achieve an overall acceptable condition for facilities. To ensure that these management decisions can be made in a timely manner, we would like to work with the Tribe and the Committee on a possible amendment to the bill which would convey the existing buildings in fee title to the Secretary, while placing the real property into trust status. We also would like to include a provision that would require the Secretary to consult with the Tribe concerning the uses of the buildings. Given the strong interest expressed by both the Tribe and the NPS to remove the ranch house,

the terms of the conveyance would require further discussion. We would like to work with the Committee and the Tribe on such an amendment that would be acceptable to all parties.

We appreciate the committee's interest in this legislation. That concludes my remarks and I would be happy to respond to any questions that you may have.

#### PROPOSED AMENDMENTS

On page 4, strike lines 11 through 24 and insert,

SEC. 6. ADMINISTRATION AND USE OF TRUST PROPERTY.—

“(a) IN GENERAL.—The trust property shall be administered in perpetuity by the Secretary only for historic, religious, or cultural uses and only those uses that are compatible with the use of land in accordance with the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106-465).”.

Senator THOMAS. Thank you very much. I just have one.

That Lewis and Clark thing is kind of complicated. What is the bottom line in terms of the cost to the Federal Government in this bill?

Mr. HOFFMAN. The exact cost is not determined yet because appraisals are not in yet, but we are looking at the range of about \$6.3 million for the 160-acre acquisition of the Dismal Nitch and the 455-acre conservation easement at Station Camp.

Senator THOMAS. So does this bill authorize that expenditure?

Mr. HOFFMAN. That is my understanding.

Senator THOMAS. Senator.

Senator AKAKA. Mr. Hoffman, on S. 2173, I understand that the administration's position is that when Congress mandates that land be taken into trust for the benefit of the Indian tribe, it should specifically define the obligations of the Federal Government. That is my understanding.

Since the bill requires the trust property to be administered in accordance with the Sand Creek Massacre National Historic Site Establishment Act, what is the administration's recommendation for what the scope of trust responsibility should be?

Mr. HOFFMAN. It is our intent that the bill would authorize the Secretary to manage these lands in trust for the tribes, but in order to carry out the purposes of the original act, which is to interpret and protect the historic resources at the Sand Creek Massacre site. Typically trust management for tribal lands and resources requires the Secretary to manage those to maximize the benefit to the tribes, and in this particular case, it seems to us that everybody is in agreement that the highest and best use of these lands would be to manage them to interpret, tell the story of the Sand Creek Massacre, and protect those lands for future generations.

Senator AKAKA. In my opinion it will be very difficult for this committee to begin addressing Indian trust issues on public land or national park bills. It appears from your testimony that the formal establishment of the Sand Creek Massacre National Historic Site is contingent on acquiring the Dawson Ranch property. If the committee decides not to define the scope of trust responsibility in this bill, does that change the administration's support of the bill?

Mr. HOFFMAN. I am not sure I can provide you with a definitive answer to that, Senator. We certainly believe that the caveats we expressed relative to the trust responsibilities are essential to the successful management of this as a National Park Service site.

Senator AKAKA. I want to thank you for your statements in support of the other bills.

Mr. Chairman, the other bills seem to be relatively noncontroversial, and I do not have any further questions.

Senator THOMAS. Senator Campbell.

Senator CAMPBELL. I have a couple on this same bill. Senator Akaka, in fact, asked one of them already and got an answer to it.

Looking at your testimony, though, Mr. Hoffman, on page 4 in the last paragraph, you mention that the Park Service has some potential costs for operation for a number of things. One of them included the ranch house, which is not in good condition. It would cost \$426,000 for rehabilitation. Then it goes on to say between discussions with the NPS, the tribal owners, and the Northern Cheyenne and the Northern Arapaho tribes and so on, they indicate a strong interest in removing the house, and that would still cost \$106,000.

I can certainly understand \$426,000 for renovating a home, but why would it cost that much to get rid of an old house? It just recently came to my mind. On our ranch, we had an old house we wanted to get rid of and we called the local fire department and they did it for nothing. They used it for a training thing and they set the thing on fire, and they trained their firemen. And what do you know. It was all gone. We just buried the remains in a hole and that was that. Can you not do that or something along that line?

Mr. HOFFMAN. Well, I would think that we would want to explore whatever means are possible. This is just a rough estimate in order to have some discussions about the priorities that we should take. Should we restore it, should we tear it down? I do not think we are necessarily held to \$106,000, and we can certainly seek other means. I think whatever we do, we want to make sure we do it in a way that is consistent with the overall protection of the integrity of the site and to ensure that we do not burn somebody else's building down in the process.

Senator CAMPBELL. Yes. Well, you might consider that anyway. In fact, I probably know a few Cheyennes who would help you burn a few buildings down.

[Laughter.]

Senator CAMPBELL. As I understand it, the tribes may use the trust land for cultural ceremonies. That land really takes on religious significance to Cheyenne and Arapaho people, as you know, because so many of their ancestors died there. How do you foresee the Park Service working to accommodate cultural uses? Through an MOU, an advisory committee, or something along that line?

Mr. HOFFMAN. We have a Native American liaison with the National Park Service, and we take very seriously our responsibilities to work closely with tribes to enable them to conduct their religious ceremonies and their cultural traditions on national parks. So I am not sure that it requires an MOU or something along those lines. We do that as a matter of course at a great number of national parks.

Senator CAMPBELL. I used to know the liaison, Barbara Sutteer. She is gone now, retired from the Park Service. Who is the liaison now?

Mr. HOFFMAN. Pat Parker.

Senator CAMPBELL. Thank you.

I think I have no further questions. Thank you, Mr. Chairman.

Senator THOMAS. Mr. Secretary, thank you.

Mr. HOFFMAN. Thank you, sir. It is always good to be here.

Senator THOMAS. We are very glad to see Pete Lucero over there with you. He spent quite a bit of time here with the committee. We are glad to see you back, sir.

Mr. HOFFMAN. You trained him well, sir.

Senator THOMAS. All right, our panel two. Mr. Steve Brady, co-chairman, Sand Creek Massacre Historic Site Project, Lame Deer, Montana; Mr. Rex Ziak, Lewis and Clark author and historian, Naselle, Washington; Ms. Carol Alexander, executive director, Ritz Theatre, Jacksonville, Florida. So if you all would come forward.

If you have written statements, they will be included in the record in their entirety, and if you would like to summarize your statement, we would be grateful. We will go by the way we are listed here.

Mr. Brady.

**STATEMENT OF STEVE BRADY, SR., CO-CHAIR, SAND CREEK  
MASSACRE HISTORIC SITE PROJECT, LAME DEER, MT**

Mr. BRADY. Good afternoon. My name is Steve Brady, Sr. I am the president of the Northern Cheyenne Sand Creek Descendants, and I co-chair the Northern Cheyenne Sand Creek Massacre Historic Site Project Committee with the tribal president, Geri Small and the vice president of the tribe, John Woodenlegs, and I am the Headsman of the Northern Cheyenne Crazy Dog Society.

I would like to have my statement entered into the record, as well as the resolution of support for the Northern Cheyenne tribe, which DOI 68-2004, as well as letters of support to Senator Campbell, Senator Domenici, and Congressman Pombo.

Senator THOMAS. We will do that.

Mr. BRADY. I also would like to have an addendum to my written statement and that is "land will be taken into trust as part of the Sand Creek Massacre National Historic Site in perpetuity. The second change removes a limitation in the existing statute which states that land acquired from the State of Colorado can only be conveyed through donation. Striking this limitation will give the National Park Service additional flexibility in acquiring additional land for the site." I would like to have that added.

Senator THOMAS. We will include it in your statement. It shall be.

Mr. BRADY. I would like to take this opportunity to acknowledge some longtime supporters of the Sand Creek Massacre project, if they would just stand. Dr. David Halaas and Andy Masich have been involved in the Sand Creek Massacre project since 1993. They were originally with the Colorado Historical Society. They were some of the ones that started this project initially. They are now with the Senator John Heinz Museum in Pittsburgh. Our new and first superintendent, Alexa Roberts, at the Sand Creek Massacre National Historic Site; Dr. Pat Parker, the Native American liaison for the National Park Service; Jack Trope, Association on American

Indian Affairs, executive director; all these folks have been long-time supporters of our project.

Senator THOMAS. Good. We welcome you all here.

Mr. BRADY. As was summarized by Senator Campbell, the village was attacked November 29, 1864 by Colonel John Chivington and his Federal troops. Cheyenne Chief Black Kettle attempted to raise the U.S. flag with a white truce flag underneath it, symbolizing a peaceful relationship with the United States. Cheyenne Chief White Antelope told his people to gather around him and that no harm would come to them and donned a peace and friendship medal given to him personally by the President of the United States. With a small contingent of men, the village was primarily comprised of women and children. Many of the men were out hunting. The Cheyenne were well within the confines of their reservation as established by previous treaties.

The village situated at the intersection of Smokey Hill Trail and Big Sandy was initially under heavy barrage of artillery referred to as mountain howitzers. Then the raping of the Cheyenne culture, women began, the disemboweling of pregnant women, the butchering of infants, the bashing of their heads, babies heads, the mutilation of elders. This was to last on into the next day. This was totally unprecedented and appalling. The village was completely burnt to the ground including piles of burned bodies. Cheyenne Chief White Antelope laid amongst his people with his peace and friendship medal in plain, obvious view, scalped, his nose and ears and privates cutoff. The Europeans had now come to introduce civilization to the Cheyenne people.

Cheyenne Chief Black Kettle survived the Sand Creek Massacre only to be assassinated by General Custer's sharpshooters at Washita Massacre on November 27, 1868. Despite the maltreatment, it is well known that neither of the Cheyenne Chiefs, Black Kettle or White Antelope, had ever raised a weapon against the United States or any of the European settlers and maintained their word of peace to their very end.

Last year on November 29, at the fifth annual Sand Creek Spiritual Healing Run, we honored Captain Silas Soule. It was him and Lieutenant Cramer who submitted letters of writing in objection to what was committed at Sand Creek, and those letters were read by Senator Campbell at a hearing in September 2000 when the Sand Creek Massacre National Historic Site legislation was pending.

We have also used and often refer to the Bent's Map. George Bent's father was a white and his mother was Cheyenne, and he lived and grew up amongst the Cheyenne people. He eventually was sent back east to be educated and apparently was very well educated for his time. That map we often refer to as Cheyenne people because he was fluent in the language, because he was very knowledgeable of the Cheyenne culture and was very well educated. We often refer to that. George Bent was also evidenced in the Cheyenne Dog Soldier Ledger book.

Right now, currently the Northern Arapaho, the Cheyenne and Arapaho tribes of Oklahoma, and the Northern Cheyenne are working on the repatriation of human remains from the Sand Creek Massacre. Currently the Colorado History Museum holds human



remains from the Sand Creek Massacre, as well as the University of Nebraska at Lincoln and Sam Nobles Museum in Oklahoma. We have gained legal custody of these human remains and we are in the process of getting physical possession in the hopes of eventually taking them back to the Sand Creek Massacre site for burial.

When the Sand Creek Massacre Study Act was enacted, there was an 18-month timeframe. One of the first, if not the very first, significant pieces of evidence that was found that specifically located and identified the site was the shrapnel from a mountain howitzer. This was the only time that this type of weaponry was used in that area by the U.S. military against Cheyennes, and it was unquestionably, unequivocally confirming the Sand Creek Massacre site. So that pretty much answered the question as to the ambiguity, the question of the site.

That particular area intersects with the Smokey Hill Trail and the Big Sandy Creek, and that is the Dawson property. That is the property that we are here today discussing and has been acquired by a casino business partner, Southwest Entertainment of the Cheyenne and Arapaho tribes, and was then conveyed to the Cheyenne and Arapaho tribes. We are now supporting as tribes this legislation to put this area, the 1,400-plus acres referred to as the Dawson property, into Federal trust.

[The prepared statement of Mr. Brady follows:]

PREPARED STATEMENT OF STEVE BRADY, SR., PRESIDENT, NORTHERN CHEYENNE SAND CREEK DESCENDANTS, CO-CHAIR, NORTHERN CHEYENNE SAND CREEK MASSACRE HISTORIC SITE PROJECT, ON S. 2173

I would like to thank the distinguished members of the United States Senate for allowing me to provide testimony this afternoon, I would like to especially thank Senators Ben Nighthorse Campbell and Wayne Allard for introducing and cosponsoring S.2173. I would also like to acknowledge Laird and Colleen Cometsevah for all their hard work for the past half a century for keeping the memory of Sand Creek alive.

Colonel John Chivington and his federal troops attacked at dawn on November 29th, 1864, a known peaceful Cheyenne encampment at the intersection of Smokey Hill Trail and the Big Bend of Big Sandy in the Territory of Colorado in a premeditated attack. Cheyenne Chief Black Kettle raised a United States flag with a white truce flag underneath symbolizing a peaceful relationship with the United States. Cheyenne Chief White Antelope told his people to gather around him and that no harm would come to them and donned a peace-and-friendship medal given to him personally by the President of the United States. With a small contingent of men in camp, the village was primarily comprised of women, children and elders. Many of the men were out hunting. The Cheyenne were well within the confines of their reservation as established by previous treaties.

The village situated at the intersection of Smokey Hill Trail and Big Sandy was initially under heavy barrage of artillery referred to as mountain howitzers. Then the raping of women, the disemboweling of pregnant women, and the butchering of infants and elders by Colonel Chivington's federal troops began and was to last until the next day. Totally unprecedented and appalling, the village completely burned to the ground including piles of burned bodies. Cheyenne Chief White Antelope laid amongst his people with his peace-and-friendship medal in plain obvious view, scalped, his nose, ears and privates cut off. Europeans had now come to introduce civilization to the Cheyenne people. Cheyenne Chief Black Kettle survived the Sand Creek Massacre only to be assassinated by General Custer's sharpshooters at the Washita Massacre on November 27th of 1868. Despite the maltreatment, it is a well-known fact that neither of the Cheyenne Chiefs, Black Kettle or White Antelope had ever raised a weapon against the United States or any of the European settlers and maintained their word of peace to their very end.

To our knowledge, the most well documented written evidence closest in time to the Sand Creek Massacre incident were the letters written by Capt. Silas Soule and Lt. Joe Cramer, each of whom commanded about one hundred troops and ordered

their men not to get involved in the carnage. Soule's letter was dated December 14th, 1864 and Cramer's letter was dated December 19th, 1864 addressed to Major Wynkoop, providing in graphic detail as to what occurred. These same letters were presented and read as evidence by Senator Campbell in a previous Senate Hearing in September of 2000.

Capt. Soule testified against Colonel Chivington for the atrocities committed by him and his troops. Chivington was never held accountable for the acts of genocide. The U.S. Congress promised reparations through Cheyenne and Arapaho Treaty of Little Arkansas of 1865, specifically Article 6. This promise of reparations presently remains unfulfilled. As for Capt. Soule, he was assassinated by Chivington's supporters on the streets of Denver shortly before the assassination of President Abraham Lincoln in the spring of 1865. Last fall, at the 5th annual Sand Creek Spiritual Healing Run (November 29th, 2003) held in Colorado, we took the time to honor Capt. Silas Soule for his courage and commitment to the Cheyenne people.

Another documented piece of evidence that the Cheyenne often refer to is what is known as "Bent's Map," drawn by George Bent whose father was white and mother was Cheyenne. George Bent was in camp at the time Chivington's troops attacked the village at Sand Creek. George Bent was wounded at Sand Creek and drew the map sometime after the incident. Bent grew up amongst his mother's people, very knowledgeable of the Cheyenne culture as evidenced in the Cheyenne Dog Soldier Ledger book of 1865, fluent in the Cheyenne language he served as an interpreter for the Cheyenne people. Moreover, educated in the western sense and apparently very well educated for his time.

In July of 1993, Cheyenne human remains consisting mostly of crania from various conflicts during the plains Indian war era, including the Sand Creek Massacre, Fort Larned, Fort Zarah and Summit Springs (the last major fight of the Cheyenne Dog Soldiers) were repatriated to Concho Agency in Concho, Oklahoma from the Smithsonian Institution under the National Museum of American Indian Act.

While the Cheyenne people had maintained within their oral histories the horrible details of the Sand Creek Massacre and on occasion went to the site for ceremonies, for almost a century and a half, the exact location of the Sand Creek Massacre Site seemed to remain ambiguous. Then in 1993, Dr. David Halaas and Andrew Masich of the Colorado Historical Society decided to confirm the exact location of the Sand Creek Massacre Site, and after searching a broad area their results remained inconclusive at end of their project in 1997.

Legislation was introduced in early 1998, by the Honorable Ben Nighthorse Campbell, to acquire what had become known as the "Dawson Property" and was generally thought to be the Sand Creek Massacre Site. This legislation became known as the Sand Creek Massacre National Historic Site Study Act of 1998, authorizing an 18-month study rather than acquiring the "Dawson Property."

In May of 2000, in a field survey the first artifact found was a piece of cannon ball shrapnel from a mountain howitzer. There were no other incidents where similar weaponry was used by the U.S. military at anytime in that area. Thus, confirming unequivocally that this was indeed the Sand Creek Massacre Site.

A Senate hearing was held as a result of the findings of the Site Study Act, which subsequently authorized the Sand Creek Massacre Site Establishment Act of 2000. This legislation designated more than 12,000 acres of the Sand Creek Massacre Site in southeastern Colorado. However, the land had to be acquired from willing sellers only. The legislation also authorized the National Park Service, the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Arapaho Tribe, the Northern Cheyenne Tribe and the state of Colorado to work in partnership to achieve the purposes of the act.

Currently the National Park Service has acquired more than 900 acres from private land-owners, and through Southwest Entertainment, a business partner of the C&A Tribes of Oklahoma, has acquired the "Dawson Property" from Mr. & Mrs. William Dawson, encompassing more than 1400 acres and located at the intersection of Smokey Hill Trail and the Big Bend of Sand Creek—Thus, the village site of the Sand Creek Massacre of November 29th, 1864.

The "Dawson Property" was acquired for 1.5 million dollars, 5 times the appraised value, but having said that, Mr. Dawson has been the owner/caretaker of that area for more than 30 years and has kept that area in a rather pristine state. All of the artifacts that were found on the "Dawson Property" during the site study phase were kept by Mr. Dawson and he will be donating them to the project in honor of the late Last Bear (Luke Brady).

The C&A Tribes of Oklahoma, the Northern Arapaho Tribe and the Northern Cheyenne Tribe have been working diligently under the provisions of Native American Graves Protection and Repatriation Act (NAGPRA) on the repatriation of Cheyenne and Arapaho human remains taken from the Sand Creek Massacre and cur-

rently stored at the Colorado Historical Society, the University of Nebraska at Lincoln and the Sam Nobles Museum of Oklahoma. Provided everything goes as it should, the tribes will repatriate these victims of genocide back to the Sand Creek Massacre Site as established by federal law.

Laird and Colleen Cometsevah have done an exceptional amount of work in genealogy and oral histories in keeping the memory of the Sand Creek Massacre alive. The Northern Cheyenne Sand Creek Massacre Historic Site Project is doing similar work as well and will archive at the Chief Dull Knife College for curriculum development, research and other purposes. Western education does not often include shameful incidents like the Sand Creek Massacre and remains consistently repressive.

S. 2173 proposes to put the C&A tribal property in Kiowa County of Colorado into federal trust under the Secretary of the Interior for the purposes authorized by the Sand Creek Massacre Site Establishment Act of 2000, on behalf of the consulting partnership: the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Arapaho Tribe, the Northern Cheyenne Tribe, state of Colorado, the National Park Service, and especially the descendants of the Sand Creek Massacre. We urge immediate passage of S. 2173 entitled the "Sand Creek Massacre National Historic Trust Act of 2004."

We understand that an agreement or lease will be negotiated between the National Park Service and the three tribes, providing for the inclusion of the Dawson Property as the core element of the National Historic Site, and the management of the Dawson Property by the National Park Service in consultation with the three tribes in accordance with the purposes and provisions of the Sand Creek Massacre Site Establishment Act of 2000. We look forward to working on that agreement or lease.

While the Sand Creek Massacre Site is in the process of being restored through federal legislation, the actual on-site work to preserve the site in perpetuity is only now just getting started—We have many years of hard work ahead of us. It is essential that we have the continued support of U.S. Congress, it was after all a federal project to begin with.

Again, distinguished members of the United States Senate, thank you for allowing me to testify today on a matter of profound significance to the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Arapaho Tribe and the Northern Cheyenne Tribe and especially, for the descendants of the Sand Creek Massacre of November 29th, 1864.

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#### ADDENDUM

Mr. Chairman, there are two minor amendments to the bill as introduced. Both changes were made at the request of the National Park Service.

The first change clarifies that this land will be taken into trust as part of the Sand Creek Massacre National Historic Site in perpetuity.

The second change removes a limitation in the existing statute which states that land acquired from the State of Colorado can only be conveyed through donation. Striking this limitation will give the NPS additional flexibility in acquiring additional land for the site.

Senator THOMAS. Thank you, sir. I appreciate your statement.  
Now let us go on to Mr. Ziak, please.

#### **STATEMENT OF REX ZIAK, LEWIS AND CLARK AUTHOR AND HISTORIAN, NASELLE, WA**

Mr. ZIAK. Thank you very much, Mr. Chairman and distinguished Senators. I really appreciate this opportunity to have this time to address you.

In October 1806, the President of the United States received one of the most extraordinary letters ever sent to a President. The first two sentences of this letter must have caused him to jump up to his feet. The letter read—and I quote—"Sir, it is with pleasure that I announce to you the safe arrival of myself and party at 12 O'Clock today at this place with our papers and baggage. In obedience to your orders we have penetrated the Continent of North America to the Pacific Ocean."

The author of this letter was Meriwether Lewis, and what he was doing was writing to President Thomas Jefferson informing him that this risky and dangerous expedition that they had planned across the continent to the ocean had been a success. And from that moment on, this becomes known as the Lewis and Clark Expedition, and its details and its events become so amazing in the minds of Americans that it just captivates the American population. And here we are 200 years later still studying and admiring this American history. It is in fact one of the most popular events in all of American history and studied and explored from the youngest of school children in our public schools to gray-haired scholars in the libraries of our universities.

However, that moment of their arriving at the Pacific Ocean, that whole story has never been told. We do have Fort Clatsop, which preserves their winter camp site. However, that is simply part of the story. There is another half of the story that has not been explained, and this is Lewis and Clark's arrival at the Pacific Ocean. And these are sites that occur on the Washington shoreline prior to their arrival at Fort Clatsop.

This arrival story is extremely compelling. There are three significant sites associated with this. The first one is one that Clark called Dismal Nitch. This is where, after traveling 20 or 30 miles a day down the Columbia River, they come to the final point of land between them and the Pacific Ocean. Here they are stopped for 5 days. This is the part of the journals, just 6 or 8 miles from the ocean, where everything goes wrong. This is where, pinned down against the shore, waves wash over them, hail, thunder, lightning, rocks roll down on them. They have to abandon their camp and bury their canoes under rocks and take off on foot. This is where their clothes are falling apart on their bodies. William Clark writes in his journal, this is the most disagreeable time I have ever experienced. Dismal Nitch.

Once they make it around this point after 5 days, they coast down river a couple miles, and here is another point of land and in front of them the Pacific Ocean. And William Clark says, I landed the canoes and formed a camp. This I could plainly see would be the extent of our journey by water in full view of the ocean, and this is the western end of the Lewis and Clark journey. This is where the men camped for 10 days in full view of the ocean. This is where they now begin to make plans for their homeward bound journey, and this is where they had that moment where they consulted the opinions of all the men, including Clark's slave and the Indian woman, Sacagawea, consulting their opinions, sort of a vote as to what they should do next. Station Camp is what Clark called it.

The third site is the tip of Cape Disappointment. This is a rugged peninsula of volcanic black basalt rock extending out into the ocean, washed on one side by the ocean, on the other side by the waters of the Columbia River. Both Lewis and Clark made excursions down to this peninsula and camped there. This is, in fact, the only known place where Meriwether Lewis had direct contact with the Pacific Ocean.

These three sites, when combined with the existing Fort Clatsop over in Oregon, as well as other historic sites in Oregon, will create

an unparalleled historic experience. It will be possible for the public to travel down the Columbia River and follow along in Lewis and Clark's footsteps from place to place to place and, 200 years after they made this journey, be able to recreate this journey down to the ocean and crossing over to Fort Clatsop.

Local people are very excited about this. They have been planning for years for hosting the people coming to the bicentennial, but this is something different. This is going to transform the region into a historic destination, and it is going to create opportunities, local businesses, cottage industries that do not exist now. The local community is very excited.

For my own part, I strongly recommend that the committee approve S. 2167. Lewis and Clark and their party risked their lives and suffered unheard of hardships to reach that Pacific Ocean, and this is an experience that the public should be allowed to retrace and enjoy today and bring back to light this long overlooked chapter of great American history.

Thank you very much.

[The prepared statement of Mr. Ziak follows:]

PREPARED STATEMENT OF REX ZIAK, HISTORIAN, NASELLE, WA, ON S. 2167

Mr. Chairman and honorable members of the Subcommittee, thank you for this opportunity to testify on Senate Bill 2167, which will create the Lewis and Clark National Historic Park in Washington and Oregon at the mouth of the Columbia River. I represent not only myself, but also the vast majority of the residents of this region as well as historians and enthusiasts from around the country, when I tell you that I wholeheartedly support this bill.

In October 1806, the President of the United States received an extraordinary letter. The first two sentences must have caused him to leap to his feet with excitement. The letter read: "Sir, It is with pleasure that I announce to you the safe arrival of myself and party at 12 O'Clock today at this place with our papers and baggage. In obedience to your orders we have penetrated the Continent of North America to the Pacific Ocean."

The author of this historic letter was Meriwether Lewis, and he was announcing to President Thomas Jefferson that the risky, dangerous expedition across the continent had been a success.

The journey described to the president soon became known as the Lewis and Clark Expedition. It immediately captured the public's attention and has held that attention for two hundred years. It is, in fact, one of the most popular moments of this nation's history, captivating children as well as adults from coast to coast.

However, the western end of the story of Lewis and Clark has never been correctly interpreted. Although there exists a replica of their winter campsite called Fort Clatsop, that is only half of the story.

The other half of this history is missing. It is the story of Lewis and Clark's arrival at the ocean. This episode of their story has been misunderstood and overlooked until recently, and that is what Senate Bill 1267 will resolve and correct.

The arrival story takes place at three separate locations in the lower Columbia along the Washington shore. First there is Dismal Nitch. This is the place where the explorers were stuck for five days; where rocks rolled down upon them, their clothes fell apart, they buried their canoes and abandoned camp. It was the scene of hardship and danger. Clark said it was the most disagreeable time he had ever experienced.

The second site is Station Camp. This is the western end of the Lewis and Clark journey, where they arrived in full view of the ocean. The explorers camped at this picturesque site for ten days and this is where they took the now famous vote, which included the opinion of a slave and an Indian woman.

The third site is the tip of Cape Disappointment. This rugged peninsula of ancient, basalt rock extends far out into the ocean and creates the northern side of the mouth of the Columbia River. Lewis and Clark both explored this site and camped here. It was, in fact, Lewis' only direct contact with the waters of the Pacific Ocean.

These three locations, when combined with the existing Fort Clatsop, will create an unparalleled historic experience. This rare opportunity to connect these historic sites will allow the public to walk in the footsteps of history by retracing Lewis and Clark's final dozen miles to the ocean in the exact order and the exact location it was done 200 years ago.

Local residents are excited about the expansion plans and look forward to hosting the visitors who will follow Lewis and Clark across the continent. This park will transform our region. The millions of expected visitors during the Bicentennial will provide an enormous boost to the local communities by attracting tourism vital to economic development. And it will not end with the Bicentennial. These historic sites when connected are of such importance and are so compelling that this region will become a historic destination. Citizens will continue to come to this place to see and experience what Lewis and Clark described when they finally reached the edge of the continent.

For my own part, I strongly recommend that this committee approve Senate Bill 2167. Lewis and Clark's party risked their lives and suffered unimaginable hardship in order to reach the Pacific Ocean. The public wants to know this story. Senate Bill 2167 will allow access to these significant sites and bring to light this long-overlooked chapter of a great American history.

Senator THOMAS. Thank you, sir. Do you have your nickel?

Mr. ZIAK. I have one, sir.

Senator THOMAS. The new Lewis and Clark nickel. Great.

Ms. Alexander.

**STATEMENT OF CAROL J. ALEXANDER, EXECUTIVE DIRECTOR,  
RITZ THEATRE AND LaVILLA MUSEUM, JACKSONVILLE, FL**

Mr. ALEXANDER. Thank you, Mr. Chair, and other members of the subcommittee. I am Carol Alexander, executive director of the finest arts institution in Jacksonville, Florida, and that is the Ritz Theatre and LaVilla Museum. Professionally and personally it is my mission to preserve the history and legacy of African-Americans both in Florida and in the United States of America.

Preserving the history and land of American Beach specifically is a very big passion of mine, both as a landowner and as an historian. Preserving that 60-foot sand dune, which is a part of the endangered maritime forest, from developers has been something that the people of that beach have been concerned about, have been worried about because they want to protect that sand dune. It is imperative to protect and preserve this dune in perpetuity because it is one that protects or is a barrier to that island. For that reason, we request that it be included in the Timucuan Preserve National Park so that they can manage the dune.

I would like to thank the committee and also I would like to thank Senator Nelson for championing this bill and also Congressman Crenshaw for introducing Senator Nelson's bill in the House. It has passed through the House already.

I would like to add that the actual acreage donated by Jack Healen, president of the Amelia Island Plantation, is 8.5 acres. Senator Nelson alluded to that and also Mr. Hoffman has alluded to that. It is not the 12.5 as we initially thought it would be.

In 1935, A.L. Lewis, president of the Afro-American Life Insurance Company, purchased this beach property as a leisure and entertainment haven for African-Americans. This beach property is a little bit different than the property of Virginia Beach that is in the Keys that Senator Nelson mentioned. That beach property was set aside for African-Americans to enjoy leisure time on the beach. This beach property was bought and owned by the Afro-American

Life Insurance Company. A.L. Lewis named it American Beach. It is an historic beach community in Nassau County, Florida, as you well know, and it is still primarily owned by African-Americans, many of whom are descendants of the original owners. To name a few, Dr. Johnnetta Cole, who is president of Bennett College for Women in North Carolina, and also she is now the chairman of the United Way of America. And also Chief Justice Leander Shaw, who was the first black Supreme Court Justice in Florida.

The Afro-American Life Insurance Company was originated in Jacksonville, Florida, and it was the first insurance company of Florida, either black or white. Mr. Lewis' great granddaughter, MaVynnee Betsch, affectionately known as the Beach Lady, still resides on the beach and is revered for her colorful life as an environmentalist and for her work to preserve American Beach from development and environmental degradation.

The history of American Beach began in America's most divided years of the 20th century when segregation laws did not allow African-Americans to frequent white beaches and resorts. American Beach was originally built as a beach resort for recreation and leisure for African-Americans to enjoy the beautiful ocean and the sand.

Today the sand dune, affectionately known as Nana, is part of the endangered maritime forest. It stands as one of the tallest. It is 60 feet tall and the last undeveloped, untouched dune system in Florida.

The dune needs to be preserved for environmental and historical reasons. Environmentally, the dunes protect the natural resources of marine life and the development and protection of the flora and fauna in the vast southeast region of Florida. Historically, Nana is a sacred monument of history and legacy that reveals the stories of generations past. Developers are slowing moving in to change the course of history and to destroy the property that holds a chapter in America.

MaVynnee Betsch, the Beach Lady, all of you should know and meet her. She is not an elder and environmental champion. She is a member of 60 environmental organizations. She has been saluted and celebrated for her work in several ways, but in particular, with a dedication in the Audubon Society Handbook for Butterfly Watchers by Dr. Robert Pyle, and the most endangered marine mammal, the right whale number 1151 is named in her honor. The community wants her dream of preserving the beach and including Nana in the Timucuan Preserves for the protection of the wetlands and the uplands as a healthy, functioning environmental system, as well as an historic site for future generations to enjoy.

As I mentioned earlier, Jack Healen, president of the Amelia Island Plantation Resort, generously donated Nana, the 8.5 acres of untouched beach and sand dune, to the National Park Service to make its inclusion in the Timucuan Ecological and Historic Preserve possible.

I hope this committee will feel the passion of preserving Nana and move this bill swiftly to the full Senate so this legislation can pass. It is up to us to protect and to preserve the beauty and majesty of America's natural treasures. Especially as we approach

2005, which will be the 70th anniversary of the founding of Florida's oldest African-American beach community, American Beach.

We have heard testimony from three of us of treasures of America. We have to contain, protect, preserve and behold both the joys and the horrors and the sacredness of America. Thank you.

[The prepared statement of Ms. Alexander follows:]

PREPARED STATEMENT OF CAROL J. ALEXANDER, EXECUTIVE DIRECTOR, RITZ  
THEATRE AND LAVILLA MUSEUM, JACKSONVILLE, FL

My name is Carol J. Alexander and I am the Executive Director of the historic Ritz Theatre & LaVilla Museum in Jacksonville, Florida. Professionally and personally it is my mission to preserve the history and legacy of African-Americans both in Florida and nationally.

Preserving the history and land on American Beach, specifically preserving the 60 ft. sand dune, which is a part of the endangered maritime forest from developers, has been my passion as a landowner for several years. It is imperative to protect and preserve the dunes in perpetuity, hence, the request for the Timucuan Preserve National Park Service to acquire and manage the dunes.

For this reason, I must thank the Committee on Energy and Natural Resources for considering bill S. 1672, to expand the Timucuan Ecological and Historic Preserve. I thank Senator Nelson for championing this bill in the Senate and Congressman Crenshaw for introducing Senator Nelson's bill in the House of Representatives. I would add that the actual acreage donated by Jack Healen, President of Amelia Island Plantation, to the Timucuan is 8.5 acres not 12.5 acres—this has been corrected in the House version and I would ask that it be corrected in the Senate version too.

In 1935, A.L. Lewis, President of the Afro-American Life Insurance Company purchased the beach property as a leisure and entertainment haven for African-Americans. He named it *American Beach*, a historic beach community in Nassau County, Florida still owned primarily by African-Americans, many who are the descendents of the original owners. To name only a few, Dr. Johnnetta Betsch Cole, renowned anthropologist and President of Bennett College for Women and Chairperson of the United Way of America and also Chief Justice Leander Shaw, first black Supreme Court Justice in Florida.

The Afro-American Life Insurance Company of Jacksonville, Florida was the first insurance company owned by any Floridian, either black or white. Mr. Lewis' great granddaughter, MaVynnee Betsch, affectionately referred to as the "Beach Lady," still resides on American Beach and is revered for her colorful life as an environmentalist and for her work to preserve American Beach from development and environmental degradation.

The history of American Beach began in America's most divided years of the 20th century, when segregation laws did not allow African-Americans to frequent white beaches and resorts. American Beach was originally built as a beach resort for the recreation and leisure for African-Americans to enjoy the beauty of the ocean and sand.

Today, the sand dune known affectionately, as "Nana" is part of the endangered maritime forest. It stands as one of the tallest (60 ft.) and the last undeveloped, untouched dunes system in Florida. The dune needs to be preserved for environmental and historical reasons.

Environmentally, the dunes protect the natural resources of marine life and the development and protection of the flora and fauna in the vast southeast region of Florida.

Historically, "Nana" is a sacred monument of history and legacy that reveals stories of generations past. Developers are slowly moving in to change the course of history and destroy the property that holds a chapter in America.

MaVynnee Betsch, the "Beach Lady", now an elder and an environmental champion is a member of sixty environmental organizations. She has been saluted and celebrated for her work in several ways but in particular with a dedication in the *Audubon Society Handbook for Butterfly Watchers* by Dr. Robert Pyle and the most endangered marine mammal, the Right Whale #1151 is named in her honor. The community wants to make her dream of preserving the beach and including "Nana" in the Timucuan Preserves for the protection of the wetlands and upland as a healthy functioning environmental system as well as an historic site for future generations to enjoy.

As I mentioned earlier, Jack Healen, President of Amelia Island Plantation Resort, generously donated, "Nana" the 8.5 acre of untouched beach sand dune to the



National Park Service to make its inclusion in the Timucuan Ecological and Historic Preserve possible.

I hope that this Committee will feel the passion of preserving "Nana" and move this bill swiftly to the full Senate so that this legislation can pass. It is up to us to protect and preserve the beauty and the majesty of America's natural treasures. Especially as we approach 2005, the 70<sup>th</sup> Anniversary of the founding of Florida's oldest African-American beach community . . . *American Beach!*

I thank you.

Senator THOMAS. We thank all of you for your testimony.

Just one quick question. See if you can kind of sum it up a little bit. What has been the nature? This Lewis and Clark thing puts together a number of different parcels of land, I understand. Are they now parks or what is the ownership of these lands now?

Mr. ZIAK. No, sir, they are not parks. One is, in fact, underneath a highway. The other is a rest stop area owned and administered by the State that will be expanded slightly. The third, part of the Cape Disappointment, is actually a Coast Guard station, a State park, and there is BLM land there. So there will actually be the realignment of a highway that unfortunately borders right along the shore line of the Columbia River preventing any public access. So we will be straightening out, actually erasing that rather dangerous curve, making it a safer highway and creating access for the public to stand very, very close to where Lewis and Clark ended their westward journey.

But, no, they are fragmented. These men would, of course, load up in their canoes and move, and so their course is kind of a hopscotch as they move along. But you are capturing, by doing this, this point where they come so close and are stopped. 5 days for them is an eternity, but rather than give up, they just keep pressing and pressing, perseverance. And they make it around this final point, and then there is the western end. Then further on down where they made the excursion to the ocean before crossing to Fort Clatsop.

Senator THOMAS. Are these accessible to people now?

Mr. ZIAK. Barely. Dangerous. One is not. You really cannot stand at the point because it really is under a highway without any shoulder.

Senator THOMAS. Under a highway?

Mr. ZIAK. Yes.

Senator THOMAS. What are you going to do with the highway?

Mr. ZIAK. It is just asphalt, sir.

Senator THOMAS. Are you going to do away with it?

Mr. ZIAK. They are planning. They have a landscape architect already looking at this.

Senator THOMAS. So this is going to cost about \$6 million. Is that right?

Mr. ZIAK. The realignment of the highway? I do not know. There are land acquisitions involved. There are other people that will have to answer that.

Senator THOMAS. I asked the Secretary. I think he said about \$6 million, was it not?

Mr. ZIAK. There are three different sites. Does that include the Oregon site, Chip? The \$6 million?

Mr. JENKINS. Yes.

Mr. ZIAK. It does.

Mr. JENKINS. The movement of the highway is paid for by the State and the creation of the park is paid for by the State.

Senator THOMAS. Thank you.

Senator AKAKA.

Senator AKAKA. Yes, Mr. Chairman. I want to commend our witnesses and thank you so much for your descriptive statements of the parks that you are talking about. I cannot help but think of how easy it is to remember Nana and also the trail all the way to the Pacific, as well as the Sand Creek Massacre site. I want to thank you for your descriptions.

Mr. Chairman, I want to tell you that it is great to be able to support them. Thank you.

Senator THOMAS. Thank you, sir.

Senator CAMPBELL.

Senator CAMPBELL. I have a couple of small questions, Mr. Chairman. Maybe it is a little bit loaded, Mr. Ziak. It is along a related question I have had in my mind for a couple of weeks. Since you are interested in the Lewis and Clark Expedition, you know that the Mint is talking about taking Sacagawea's picture off the silver dollar. You have heard that or know that?

Mr. ZIAK. I have not heard that, sir.

Senator CAMPBELL. Senator Dorgan of North Dakota and I both wrote a letter of opposition to them doing that, but if you have not heard about it, then I guess I cannot ask you what your view is on it either, or can I?

Mr. ZIAK. All I can say is I rarely run into them out in the public. I rarely get them back as change.

Senator CAMPBELL. That is because collectors usually buy those up before the public ever sees them. But they say the reason they want to take her picture off it is that collectors are not buying them very fast, and our contention is they are not marketing them very well. Maybe they would sell faster if they wanted to.

Well, it is not really an important question.

Thank you for your very nice, testimony, Ms. Alexander. It was very eloquent. I was trying to listen carefully but I think I missed a couple things. Whose language is Timucuan?

Mr. ALEXANDER. The Indians, the Timucuan Indians.

Senator CAMPBELL. From a tribe. I see. Good. That was all.

Maybe to my brother, Steve Brady. The Sand Creek site is really close to becoming a reality. There is really not any opposition to this bill, a few minor changes. The Park Service supports it too. How do you sense how the tribes would work with the Park Service using some of that land for cultural purposes or religious purposes or reburial of remains or things of that nature?

Mr. BRADY. Well, it is in my testimony. It says we understand that an agreement or lease will be negotiated between the National Park Service and the tribes, providing for the inclusion of the Dawson property, the continuation of ongoing consultation and management and access. Ceremonial access especially I think is really important.

Senator CAMPBELL. Do you envision some kind of an interpretive center there some day?

Mr. BRADY. Possibly, with the consultation of all the tribes and NPS and certainly the State.

Senator CAMPBELL. But right now, the tribes have no plans for buildings or putting anything there.

Mr. BRADY. I do not think we have reached that point yet.

Senator CAMPBELL. No further questions, Mr. Chairman.

Senator THOMAS. Well, thank you again. There may be some other questions in the next day or two. If there are, we will forward them to you. Otherwise, thank you all for being here.

The committee is adjourned.

[Whereupon, at 3:36 p.m., the hearing was adjourned.]



## APPENDIXES

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### APPENDIX I

#### Responses to Additional Questions

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UNITED STATES DEPARTMENT OF THE INTERIOR,  
OFFICE OF LEGISLATIVE AND CONGRESSIONAL AFFAIRS,  
*Washington, DC, August 4, 2004.*

Hon. CRAIG THOMAS,  
*Chairman, Subcommittee on National Parks, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Enclosed are answers to the follow-up questions from the hearing held by the Subcommittee on National Parks on May 20, 2004, on S. 1672, S. 1789, H.R. 1616, S. 2167, and S. 2173. These responses have been prepared by the National Park Service.

Thank you for giving us the opportunity to respond to you on this matter. We apologize for the delay in our response.

Sincerely,

JANE M. LYDER,  
*Legislative Counsel.*

[Enclosure.]

#### S. 1672, TIMUCUAN PRESERVE

*Question 1a.* The bill proposes to acquire 12.5 acres. This has been reduced to 8.5 acres because certain property owners objected to the proposal. How does the local community view the donation of this land?

Answer. The local community supports the donation to the National Park Service, as proposed in S. 1672.

*Question 1b.* What is the view of Starwood Hotels and Resorts (owner of the neighboring Sheraton Resort)?

Answer. We are not aware of any Sheraton Resort or Starwood Hotels and Resorts' property on Amelia Island.

*Question 1c.* Does the Park Service plan to eventually obtain the entire 12.5 acres?

Answer. We understand that Amelia Island Plantation plans to donate 8.5 acres to the NPS. At this time, the NPS has no plans to acquire the other 4 acres currently owned by two other private individuals. The 12.5-acre area, proposed to be added to the boundary, include natural and cultural resources important to the story of American Beach. Currently, more than 50 governmental entities and several hundred private landowners work together to protect the resources found within the Timucuan Preserve. Protection of these lands can be achieved through partnerships similar to the ongoing partnerships within the Preserve and would not require NPS to own the entire 12.5 acres.

*Question 2a.* The Amelia Island Plantation has arranged to donate the land at American Beach to the National Park Service. Who currently manages the land?

Answer. The land is currently managed as conservation and buffer lands by the Amelia Island Plantation Corporation.

*Question 2b.* Will the Park Service be expected to compensate Amelia Island Plantation for the land?

Answer. No.

*Question 3a.* The "Nana" sand dune was mentioned in the hearing as ecologically important as a barrier during storms and as endangered species habitat. Have any other areas been identified with similar characteristics for future acquisition?

Answer. No, the only remaining undeveloped dune associated with Nana in this area is divided from the main dune by a road. This dune is included in the 12.5 acres proposed for inclusion in the boundary. The only other undeveloped dunes that are in the area are incorporated within current units of the Florida Park System. Some of these parks are within the current boundary of the Timucuan Preserve and are managed by the Florida Park Service. There are no federally listed endangered or threatened species present in this area.

*Question 3b.* What is the approximate size of Amelia Island (in acres)?

Answer. According to the Nassau County Property Appraisers Office, Amelia Island occupies approximately 17,540 acres.

*Question 3c.* What is the approximate size of Timucuan Preserve (in acres)?

Answer. The Timucuan Preserve encompasses approximately 46,000 acres.

*Question 3d.* Which endangered or threatened species can be found on "Nana" and approximately how much of their habitat (in acres) has been lost to development on the island?

Answer. The dune does not contain any federally listed endangered or threatened species. In a 1992 evaluation of 191 acres, the Florida Natural Areas Inventory ranked the dune and maritime hammock as outstanding based on species diversity, structure, degree of disturbance and exotic invasion. The evaluation also concluded that, of the 191 acres, only 22 acres which included the dune and maritime hammock were preserved, 4 acres were donated to the County for Burney Park, 35.7 acres were developed as a golf course and the remaining approximately 129 acres was developed for homes, commercial and resort properties of Osprey Village, Amelia Island Plantation and Summer Beach.

#### S. 1789 AND H.R. 1616, MARTIN LUTHER KING NATIONAL HISTORIC SITE LAND EXCHANGE

*Question 4.* If an appraisal has not been conducted, how do you know the lands to be exchanged are of equal value?

Answer. A formal appraisal has not been done on these properties. However, in 2001, in anticipation of this exchange, the NPS Southeast Region conducted an informal appraisal and determined that the lands were of approximately equal value. If a difference does exist, we expect that the NPS property would have the slightly higher value. The city of Atlanta has an additional two acres of land adjacent to the city land proposed for exchange and is agreeable to including additional city land to make the lands exchanged to be of equal value if necessary.

*Question 5.* You stated that the properties on Edgewater Avenue were purchased by the NPS to preserve them, once the land exchange is completed what local agreements or ordinances are in place to assure that the exchanged property will be protected in the future?

Answer. The land to be exchanged is within the Martin Luther King, Jr. Historic District. Atlanta's Urban Design Commission must approve any changes to properties in the District. The commission, whose mission is to identify, protect, enhance and perpetuate the use of buildings, sites, and districts of special character, historic interest, or aesthetic value, nominates and regulates designated buildings and districts identified as historic. The NPS has been consulted on all matters within the district and actively participates in consultations regarding proposed changes within the district. This area also has active community organizations that are committed to protecting the historic integrity of the neighborhood.

#### S. 2167, LEWIS AND CLARK NATIONAL HISTORICAL PARK

*Question 6a.* The sites to be included in the historical park are spread out over a large area. How will the park visitor get coordinated information about all the sites at the Historical Park?

Answer. In anticipation of possible passage of S. 2167, the NPS, Washington State Parks and Oregon State Parks managers have discussed how to coordinate visitor services. The managers recognize that providing visitors coordinated information, including trip planning information, local logistical information, and interpretation, is a top priority.

In addition, park managers are working with local Lewis and Clark Bicentennial organizers to produce a prototype trip planner for the region, and to develop a common web portal to provide visitor information. Park managers also are working more closely with four Chambers of Commerce, which operate five visitor contact stations in the local communities. Discussions are now underway with the Chambers of Commerce to see if the Bicentennial trip planner could be adapted to serve the needs of the parks and local businesses beyond the bicentennial years.

*Question 6b.* What are the benefits to the visitor of this consolidated management?

Answer. Our efforts to coordinate visitor information will make planning a visit to the Lewis and Clark related parks much easier. Currently, visitors must contact each of the five individual federal and state parks to obtain information and make reservations. Eventually, we anticipate that visitors will be able to access information about the five parks at the same time as well as consolidate the payment of entrance fees through the purchase of a common pass. Greater coordination also will ensure that visitors are provided a more comprehensive picture of the Lewis and Clark story, whether they choose to tour historic sites, view interpretive exhibits, or participate in other activities in the parks.

*Question 7a.* Are all sites being recommended for inclusion currently being managed by the National Park Service?

Answer. No. S. 2167, as amended, would include in the new boundary of the Lewis and Clark National Historical Park a significant amount of land not currently managed by NPS. First, S. 2167 authorizes the NPS to acquire and manage the areas known as Clark's Dismal Nitch and Station Camp. In a third area, Cape Disappointment, federal lands would immediately be transferred to NPS management while federal lands subject to any withdrawals, for the most part, would be transferred at a later date. The bill would, however, revoke the withdrawal of a 20-acre parcel of federal land and direct the Secretary to establish a memorial to Thomas Jefferson on that parcel.

While the bill would provide for NPS management at Cape Disappointment, it also would authorize the Secretary to enter into an agreement with the State of Washington to administer land. Washington State Parks currently administers many of these lands through agreements with other federal agencies. The NPS fully intends to continue such an arrangement with the State for all lands managed by NPS at Cape Disappointment, except for the 20-acre parcel for the memorial to Thomas Jefferson.

*Question 7b.* Is any land proposed for acquisition?

Answer. Yes, the NPS would acquire additional land within the new proposed boundary if S. 2147 is enacted, if funds are made available for the purchase of private land from willing sellers, and if, as planned, the State of Washington transfers some of its property to the NPS. At Dismal Nitch, NPS would acquire by donation about 30 acres from the State of Washington and would purchase 160 acres from private owners. At Station Camp, NPS would acquire by donation about 15 acres from the State of Washington and would purchase in fee or an easement on approximately 455 acres from private owners. At Cape Disappointment, the NPS would eventually acquire about 1,140 acres through transfer of federal lands. The NPS anticipates that all but the 20-acre parcel for the memorial to Thomas Jefferson would be managed by Washington State Parks.

In addition, S. 2167 would retain the authority for the National Park Service to acquire up to 1,375 acres at Fort Clatsop that was enacted in 2002.

*Question 8a.* S. 2167 is a joint effort by the states of Oregon and Washington and the Federal government. What is the role of each state?

Answer. We have agreed upon the general responsibilities of each state, however, if the legislation passes, more specific roles will be discussed. The responsibilities discussed this far are as follows:

#### *Washington State*

- Maintain and operate Cape Disappointment State Park in accordance with applicable federal laws, regulations and policies.
- Maintain and operate Fort Columbia State Park.
- Realign Highway 101, construct a new park at Station Camp and donate this new park to the NPS.
- Construct new visitor facilities at Clark's Dismal Nitch and donate these to the NPS.
- In partnership with the NPS and Oregon State Parks, develop and implement appropriate plans for providing visitor services and resource protection in the context of the entire Lewis and Clark National Historical Park.
- Provide technical assistance to the NPS for the management of the park.

#### *Oregon State*

- Maintain and operate Fort Stevens and Ecola State Parks.
- In partnership with the NPS and Washington State Parks, develop and implement appropriate plans for providing visitor services and resource protection in the context of the entire Lewis and Clark National Historical Park.
- Provide technical assistance to the NPS for the management of the park.

*Question 8b.* What is the role of the Federal government?

Answer. The Federal government:

- Maintain and operate all of the units under federal jurisdiction within the Lewis and Clark National Historical Park in accordance with applicable laws, regulations and policies.
- Work as a partner with Washington State Parks and Oregon State Parks, other state agencies, and local entities to develop and implement plans for providing visitor services and resource protection.
- In partnership with these state agencies, provide technical assistance for the management of the affiliated areas.

*Question 8c.* How much will it cost to complete the entire proposal including realignment of the highway and restoration of the current highway location?

Answer. We estimate that land acquisition for the added areas will cost \$2.2 million to \$3.0 million. This estimate includes \$700,000 spent by the State of Washington to acquire the land for the realignment of Highway 101. We estimate that development costs for visitor facilities will cost approximately \$5.1 million to \$7 million. This estimate includes \$3 million spent by the State of Washington to develop a park at Station Camp and visitor facilities at Clark's Dismal Nitch, and about \$2.8 million to realign Highway 101. Operations and maintenance costs are estimated at \$127,000 per year for the new NPS sites.

*Question 8d.* How much of the total cost will be borne by each state and the Federal government?

Answer.

*Estimated land acquisition costs*

- \$1.5 million to \$2.3 million for the NPS.
- \$700,000 for the State of Washington to acquire land for the realignment of Highway 101.

*Estimated development costs*

- \$2.1 million to \$4 million for the NPS.
- \$3 million for the State of Washington for park facilities, and \$2.8 million for the realignment of Highway 101.

*Estimated operations and maintenance costs:*

- \$127,000 for minimal operations of the new NPS sites.

*Question 8e.* How will the maintenance backlog be affected by implementation of this project?

Answer: Funds NPS uses from its construction budget for development of the new areas of the park would not be available for maintenance backlog projects within the National Park System. However, as noted above, much of the development costs associated with the new sites included in the Lewis and Clark National Historical Park would be assumed by the State of Washington, so the impact on the NPS' construction budget would be far less than might normally be the case with an expansion of this size.

#### S. 2173, SAND CREEK MASSACRE

*Question 9a.* Can the public visit and receive interpretive material at the Sand Creek National Historical Site?

Answer. The law authorizing Sand Creek Massacre National Historic Site required that "sufficient" land be acquired from willing sellers "to provide for the preservation, memorialization, commemoration, and interpretation of the Sand Creek Massacre" before the area would be established as a national historic site. Therefore, the site is closed to the public until established. However, the public can receive interpretive material via the park website, by mail, and through interpretive programs provided off-site by a National Park Service Ranger.

*Question 9b.* When do you expect it to be open to the public?

Answer. If this legislation passes and the Secretary establishes the site, it is estimated that the site could be fully open to the public in approximately two years. Two years allows for the development of plans, visitor facilities, parking, restrooms, and other facilities. Once established, it may be possible to open the site on a limited basis prior to it being fully open.

*Question 10a.* The testimony states that the land will be transferred to DOI and held in trust by the Secretary. What will be the duties and responsibilities of the Secretary in managing the Trust?

Answer. As we mentioned in testimony, S. 2173, as introduced, contained several provisions concerning the Secretary's trust responsibility that were confusing and



unclear. We suggested several clarifying amendments during testimony and appreciate that S. 2173, as amended by the Committee, reflects these concerns. S. 2173, as amended, states that the trust property be administered “. . . as part of the Sand Creek Massacre National Historic Site, only for historical, traditional, cultural, and other uses in accordance with the Sand Creek Massacre National Historic Site Establishment Act . . . .”

Thus, the parameters of the Secretary’s trust responsibilities for this land are more clearly prescribed in S. 2173, as amended. For example, the Sand Creek Massacre National Historic Site Establishment Act (Act) provides, among other things, that the Secretary manage the site to protect and preserve the site including the topographic features, artifacts, other physical remains, and the cultural landscape and that the Secretary interpret the natural and cultural resource values of the site, provide for public understanding and appreciation of and preserve for future generations those values, and to memorialize, commemorate and provide information to visitors. Other provisions in the Act describe the Secretary’s management responsibilities, including the need to provide reasonable access to the site by descendants and tribal members.

*Question 10b.* Will any income be generated for the land and managed as part of the Indian Trust Fund?

Answer. No plans currently exist that will generate income for the land that will be managed as part of the Indian Trust Fund.

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NORTHERN CHEYENNE SAND CREEK OFFICE,  
NORTHERN CHEYENNE SAND CREEK MASSACRE HISTORIC SITE COMMITTEE,  
*Lame Deer, MT, July 13, 2004.*

Hon. CRAIG THOMAS,  
*Chairman, Subcommittee on National Parks, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*

Re: S. 2173

DEAR SENATOR THOMAS: Thank you for your letter of June 14, 2004. The following responds to the questions about the above bill posed in that letter.

Please let me know if I can provide any additional information regarding this very important bill. We have been working with congressional staff on final adjustments for the upcoming mark-up, and look forward to passage of the bill during the current session.

Very truly yours,

STEVE BRADY, SR.,  
*Co-Chair.*

[Enclosure.]

*Question 1a.* The National Park Service currently owns about 920 acres at the historic size. S. 2173 (sic) authorizes the transfer of an additional 1,465 acres. How much additional land, including private and state land, is within the boundary of the entire historic site?

Answer. The Sand Creek National Historic Site Establishment Act of 2000 provides (in section 4(b)(1)) that the historic site consists of approximately 12,480 acres. After deducting the 920 acres and the 1,465 acres, the remaining site acreage will be 10,095 acres.

*Question 1b.* Do you anticipate adding additional land to the National Park site?

Answer. We hope to acquire additional land within the 12,480 acres. We do not anticipate expanding the site beyond 12,480 acres.

*Question 2.* The land proposed for addition to the historic site includes four buildings. Will the buildings be retained and used after transfer?

Answer. The four structures on the 1,465 acres covered by S. 2173 include a ranch house, shop building, corrals and a small lean-to type structure adjacent to the corral. At the last consultation meeting between the National Park Service and the three tribes (Northern Cheyenne Tribe of Montana, Northern Arapahoe Tribe of Wyoming, Cheyenne and Arapahoe Tribes of Oklahoma), a general consensus was reached that the ranch house should be eliminated due to the amount of renovation that would be necessary to make it usable. The shop, corrals and associated stalls may all be used after the transfer.



APPENDIX II  
Additional Material Submitted for the Record

WASHINGTON STATE LEGISLATURE,  
*Olympia, WA, May 18, 2004.*

Hon. CRAIG THOMAS,  
*Chairman, Subcommittee on National Parks, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*

DEAR MR. CHAIR AND COMMITTEE MEMBERS: We are writing to express our support for Senator Cantwell's Senate Bill 2167, which will be heard by your committee on Thursday, May 20, 2004.

As you know, next year is the 200th anniversary of the Lewis & Clark Corps of Discovery Expedition. The area which we represent in southwest Washington is the location of several critically important historical sites of the Lewis & Clark Expedition. Although many important sites exist all along the Lewis and Clark National Historic Trail, the extraordinary history related to the Lewis & Clark Expedition's arrival at the Pacific Ocean is best realized at three sites on the lower Columbia River. Senate Bill 2167, if passed into law, would provide overarching coordination between the States of Washington and Oregon, by establishing a, National Historical Park in Oregon and in Washington. We are convinced that the new designation provided in Senator Cantwell's bill will allow for the best operation and security of these precious historical sites.

We are proud to represent the 19th Legislative District in Washington's State Legislature. Senate Bill 2167, which would designate Clark's Dismal Nitch, Station Camp, and Cape Disappointment as part of the Lewis and Clark National Historic Park, are all located within our district. It was at Station Camp that Meriwether Lewis and William Clark held an election in order to determine the safest and best location for the group to spend the winter. Every single man and woman was allowed one vote—including Sacajawea, a Native American woman, and York, an African-American. What occurred at Station Camp is something to be proud of in this nation's history.

Senate Bill 2167 enjoys the broad support of local citizens, county, state mid municipal governments, port districts, civic groups, and public safety organizations. Local stakeholders were involved with its development at every stage, providing input from inception until final drafting.

They brought forward and addressed important issues regarding tourist accommodation and rest rooms facilities, highway safety and signage, public boating and swimming safety. Because of the integral participation on the part of local entities, the legislation has wide support in the region.

With passage of this bill, we anticipate maximum cooperation between Oregon's and Washington's departments which oversee and regulate transportation, tourism, agriculture, fisheries and public health. The upcoming bicentennial events will bring hundreds of thousands of visitors to our rural areas. Creation of a Lewis & Clark National Historical Park, as envisioned in Senator Cantwell's bill, will help manage this anticipated influx of visitors by providing an oversight and decision making institution.

We hope that you will favorably consider Senator Cantwell's proposal. It has our support and that of our constituents.

We greatly appreciate your attention and consideration.

Respectfully,

MARK L. DOUMIT,  
*State Senator,*

BRIAN HATFIELD,  
BRIAN BLAKE,  
*State Representatives.*

NORTHERN CHEYENNE TRIBE,  
Lame Deer, MT, March 30, 2004.

Hon. PETE DOMENICI,  
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington,  
DC.

Hon. BEN NIGHTHORSE CAMPBELL,  
Chairman, Committee on Indian Affairs, U.S. Senate, Washington, DC.

Hon. RICHARD W. POMBO,  
Chairman, Committee on Resources, U.S. House of Representatives, Washington, DC.

Re: S. 2173, Sand Creek Massacre National Historic Site Trust Act of 2004

DEAR SENATOR DOMINICI: On behalf of the Northern Cheyenne Tribe and the Northern Cheyenne Sand Creek Massacre Historic Site Project Committee, submitted herewith is a letter of support for the proposed legislation Senate Bill S.2173 entitled the Sand Creek Massacre National Historic Site Trust Act of 2004 pending before U.S. Congress.

The Northern Cheyenne Tribe and the Northern Cheyenne Sand Creek Massacre Historic Site Project Committee support the immediate enactment of the proposed Senate Bill S. 2173 to place in federal trust as a part of the Reservation of the Cheyenne and Arapaho Tribes of Oklahoma, the Sand Creek Massacre village site formerly known as the "Dawson Property," located in Kiowa County in the state of Colorado solely for the purposes authorized by the Sand Creek Massacre National Historic Site Act.

The Northern Cheyenne Tribal Council has consistently supported the efforts to protect and preserve the Sand Creek Massacre Site in southeastern Colorado. The Tribal Council, subject to their review and enactment, currently has a draft resolution of support pending for their consideration.

Please forward all concerns to: Otto Braided Hair, Director, Northern Cheyenne Sand Creek Office, PO Box 1350, Lame Deer, MT. 59043, Ph# (406) 477-8026, Fax (406) 477-8021 or E-mail: [sandcreek@rangeweb.net](mailto:sandcreek@rangeweb.net).

Respectfully submitted,

JOHN J. WOODENLEGS,  
Vice President.

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BUREAU OF INDIAN AFFAIRS,  
NORTHERN CHEYENNE AGENCY,  
Lame Deer, MT, April 14, 2004.

GERI SMALL,  
President, Northern Cheyenne Tribe, Lame Deer, MT.

DEAR PRESIDENT SMALL: Enclosed is the original of Northern Cheyenne Tribal Resolution No. DOI-068 (2004) enacted by the Council on April 7, 2004 and received in this office on April 7, 2004.

Resolution No. DOI-068 (2004)—supports Senate Bill S. 2173 entitled "Sand Creek Massacre National Historic Site Trust Act of 2004".

Resolution No. DOI-068 (2004) is hereby noted. The Northern Cheyenne Tribal Council has the authority to take this action via Article IV, Section 1(r) of the Tribe's Amended Constitution and Bylaws.

All necessary copies of this resolution have been retained for our files

Sincerely,

MARJORIE EAGLEMAN,  
Superintendent.

[Enclosure.]

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TRIBAL COUNCIL OF THE NORTHERN CHEYENNE TRIBE NORTHERN  
CHEYENNE RESERVATION LAME DEER, MONTANA

A RESOLUTION of the Northern Cheyenne Tribal Council supporting Senate Bill S. 2173 entitled "Sand Creek Massacre National Historic Site Trust Act of 2004," now pending before the U.S. Congress that proposes to place in federal trust as part of the reservation of the Cheyenne and Arapaho Tribes of Oklahoma, the Sand Creek Massacre village site, formerly known as the "Dawson property," located in Kiowa County in the State of Colorado that was acquired by Southwest Entertainment and subsequently gift deeded to the Cheyenne and Arapaho Tribes of Oklahoma.

*WHEREAS* the Northern Cheyenne Tribal Council is the governing body of the Northern Cheyenne Tribe, as authorized by its amended Constitution and Bylaws, approved by the Secretary of the Interior on May 31, 1996; and

*WHEREAS* the Northern Cheyenne Tribal Council is empowered to cultivate and preserve the culture of the Northern Cheyenne Tribe under Article IV Section 1.(1) of the Constitution of the Northern Cheyenne Tribe as amended in 1996; and

*WHEREAS* Colonel John Chivington and federal troops attacked without provocation the peaceful Cheyenne village of Cheyenne Chiefs Black Kettle and White Antelope at Sand Creek in the Territory of Colorado on November 29th of 1864 where many Cheyenne women, children and elders were brutally massacred; and

*WHEREAS* U.S. Congress admitted responsibility to the atrocities committed at Sand Creek and promised reparations through Article 6 of the Cheyenne and Arapaho Treaty of Little Arkansas of 1865 and this treaty obligation remains unfilled; and

*WHEREAS* the Northern Cheyenne Tribal Council supported by resolution in 1993 the repatriation of Cheyenne victims of Sand Creek Massacre from the Smithsonian Institution in Washington, D.C. to Concho Agency of the Cheyenne and Arapaho Tribes of Oklahoma in Concho, Oklahoma; and

*WHEREAS* the Northern Cheyenne Tribal Council supported by resolution the "Sand Creek Massacre National Historic Site Study Act of 1998" (Public Law 105-243) and the "Sand Creek Massacre National Historic Site Establishment Act of 2000" (Public Law 106-465) (the "Sand Creek Massacre National Historic Site Act"); and

*WHEREAS* the Northern Cheyenne Sand Creek Massacre Historic Site Project Committee (the "Committee") is delegated and authorized to represent the Northern Cheyenne Tribe and the Northern Cheyenne Sand Creek Descendants by Northern Cheyenne Tribal Council Resolution DOI-145(01) on all matters appertaining to the "Sand Creek National Historic Site Establishment Act of 2000" (Public Law 106-465); and

*WHEREAS* the "Committee" is currently working with representatives from Cheyenne and Arapaho Tribes of Oklahoma and the Northern Arapaho Tribe of Wind River Reservation for the repatriation of human remains of victims of the Sand Creek Massacre from the Colorado Historical Society in Denver, Colorado, University of Nebraska at Lincoln, Nebraska and the Sam Noble Museum of Norman, Oklahoma back to the Sand Creek Massacre National Historic Site in southeastern Colorado; and

*WHEREAS* the Sand Creek Massacre Village Site formerly known as the "Dawson Property" located in Kiowa County in the State of Colorado acquired by Southwest Entertainment and subsequently gift deeded to the Cheyenne and Arapaho Tribes of Oklahoma; and

*WHEREAS* that the Northern Cheyenne Tribal Council supports the taking of Sand Creek Massacre Village Site into federal trust, on the condition that it be managed and used as part of the National Historic Site solely for the purposes authorized by the Sand Creek Massacre National Historic Site Act, including access and use by the Northern Cheyenne Tribe and its members as provided in the Sand Creek Massacre National Historic Site Act, and the foregoing would be accomplished by enactment of Senate Bill S. 2173; now

*THEREFORE BE IT RESOLVED* that the Northern Cheyenne Tribal Council hereby supports the immediate enactment of Senate Bill S. 2173; and

*BE IT FINALLY RESOLVED*, that the Northern Cheyenne Tribal Council has authorized by Resolution DOI-145(01) the Northern Cheyenne Sand Creek Massacre Historic Site Project Committee to represent the Northern Cheyenne Tribe and the Northern Cheyenne Sand Creek Descendants on all matters appertaining to the Sand Creek Massacre National Historic Site Act.

*PASSED, ADOPTED AND APPROVED* by the Northern Cheyenne Tribal Council with nine (9) votes for passage and adoption and zero (0) votes against passage and adoption this 7th day of April, 2004.

ATTEST:

CHARLENE ROBINSON,  
*Secretary, Northern Cheyenne Tribe,*  
GERI SMALL,  
*President, Northern Cheyenne Tribe.*